

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 21, 2004

Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Mayor Mayans gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, Staff, and guests.

The Minutes of the December 14, 2004 Meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:

Ron Walton

RON WALTON: ABOVE AND BEYOND EMPLOYEE RECOGNITION.

Mayor Mayans recognized Mr. Walton and presented him with a gift of appreciation.

Bailis Bell

BAILIS BELL-DISTINGUISHED SERVICE CITATION.

Mayor Mayans recognized Bailis Bell, Director of Airports for his years of service with the City of Wichita and presented him with a plaque.

PUBLIC AGENDA:

King David Davis

KING DAVID DAVIS-THE RULE OF LAW VERSUS THE RULE OF MEN.

Mr. Davis stated that he is disappointed that city hall has not been learning its lesson very well.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 20, 2004.**

Bids were opened December 17, 2004, pursuant to advertisements published on:

Lateral 158 War Industries Sewer to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (468-83557/744063/480751) Does not affect existing traffic. (District III)

WB Carter Construction - \$6,767.00

Water Distribution System to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (448-89760/735198/470868) Does not affect existing traffic. (District III)

McCullough Excavation - \$12,500.00

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Sunnybrook Court from the north line of Sunnybrook to and including the cul-de-sac to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (472-83674 /765880/490991) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$51,841.50

Lateral 6, Main 26 War Industries Sewer to serve Regency Lakes Commercial Secibd Addition (north of 21st Street North, west of Greenwich) (468-83895 /744094/480782) Does not affect existing traffic. (District II)

WB Carter Construction - \$29,246.00

Water Distribution System to serve Regency Lakes Commercial Second Addition - north of 21st Street North, west of Greenwich. (448-90006/735225/470895) Does not affect existing traffic. (District II)

Mies Construction - \$54,019.25

Lateral 144, Main 4, Sanitary Sewer #23 to serve Walnut Grove Addition - south of 37th Street North, west of Broadway. (468-83846/744096/480784) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$46,131.00

13th Street North, Phase 2: from 119th Street West to Cedar Park - 13th Street North, from 119th Street West to Cedar Park. (472-83851_Ph2/715697/244113) 13th Street North will be closed to thru traffic from Cedar Park to 119th Street West. (District V)

Ritchie Paving - \$118,876.68

Northwind from the east line of Northshore Boulevard as platted in Ridge Port Addition, north and east to the east line of the plat to serve Ridge Port Addition - east of Ridge, north of 29th Street North. (472-83773/765889/490002) Does not affect existing traffic. (District V)

Kansas Paving Company - \$31,297.00 (Negotiated to engineer's estimate)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Electric Switchgear Replacement.

Shelley Electric Inc. - \$410,500.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/BUILDING SERVICES DIVISION: Preventative Maintenance Electric Switch.

Kansas Electric Inc. - \$10,888.00 (Group 1/total net bid)

\$ 8,448.00 (Group 1/Option 1)

\$14,527.00 (Group 1/Option 2)

\$ 6,323.00 (Group 1/Option 3)

\$ 3,861.00 (Group 1/Option 4)

\$15,603.00 (Group 1/Option 5)

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VARIOUS DEPARTMENTS AND DIVISIONS: Automobiles, Mini & Cargo Vans, Pickup Trucks.

Don Hattan Chevrolet Inc. - \$11,600.00 (Group 1/base bid)
\$.00 (Group 1/option 1)
\$ 250.00 (Group 1/option 2)

Rusty Eck Ford Inc. - \$13,247.00 (Group 2/base bid)
\$.00 (Group 2/option 1)
\$.00 (Group 2/option 2)

Don Hattan Chevrolet Inc. - \$17,250.00 (Group 3/base bid)
\$ 200.00 (Group 3/option 1)
\$ 300.00 (Group 3/option 2)

Rusty Eck Ford Inc. - \$20,787.00 (Group 4/base bid)
\$ 169.00 (Group 4/option 1)
\$.00 (Group 4/option 2)

Don Hattan Chevrolet Inc. - \$16,100.00 (Group 5/base bid)
\$ 500.00 (Group 5/option 1)
\$.00 (Group 5/option 2)
\$ 475.00 (Group 5/option 3)
\$ 80.00 (Group 5/option 4)
\$ 366.00 (Group 5/option 5)
\$.00 (Group 5/option 6)

Don Hattan Chevrolet Inc. - \$20,100.00 (Group 6/base bid)
\$.00 (Group 6/option 1)
\$ 265.00 (Group 6/option 2)

Rusty Eck Ford Inc. - \$26,987.00 (Group 7/base bid)
\$.00 (Group 7/option 1)

Don Hattan Chevrolet Inc. - \$20,100.00 (Group 8/total bid)

Don Hattan Chevrolet Inc. - \$11,150.00 (Group 9/base bid)
\$ 270.00 (Group 9/option 1)
\$.00 (Group 9/option 2)

Don Hattan Chevrolet Inc. - \$12,600.00 (Group 10/base bid)
\$ 270.00 (Group 10/option 1)
\$.00 (Group 10/option 2)
\$ 375.00 (Group 10/option 3)
\$ 2,800.00 (Group 10/option 4)
\$ 990.00 (Group 10/option 5)
\$.00 (Group 10/option 6)

Don Hattan Chevrolet Inc. - \$15,900.00 (Group 11/base bid)
\$ 270.00 (Group 11/option 1)
\$.00 (Group 11/option 2)
\$.00 (Group 11/option 3)
\$ 2,000.00 (Group 11/option 4)

Don Hattan Chevrolet Inc. - \$15,750.00 (Group 12/base bid)
\$ 4,850.00 (Group 12/option 1)
\$.00 (Group 12/option 2)
\$ 200.00 (Group 12/option 3)
\$.00 (Group 12/option 4)
\$.00 (Group 12/option 5)

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\$ 100.00 (Group 12/option 6)
\$ 2,450.00 (Group 12/option 7)
\$ 990.00 (Group 12/option 8)

Don Hattan Chevrolet Inc. - \$18,000.00 (Group 13/base bid)
\$ 4,850.00 (Group 13/option 1)
\$ 70.00 (Group 13/option 2)
\$ 200.00 (Group 13/option 3)
\$.00 (Group 13/option 4)
\$.00 (Group 13/option 5)
\$ 100.00 (Group 13/option 6)
\$ 2,350.00 (Group 13/option 7)
\$ 990.00 (Group 13/option 8)
\$ 5,148.00 (Group 13/option 9)

Don Hattan Chevrolet Inc. - \$30,585.00 (Group 14/base bid)
\$.00 (Group 14/option 1)
\$ 596.00 (Group 14/option 2)

Don Hattan Chevrolet Inc. - \$19,800.00 (Group 15/base bid)
\$ 4,850.00 (Group 15/option 1)
\$.00 (Group 15/option 2)
\$ 200.00 (Group 15/option 3)
\$.00 (Group 15/option 4)
\$.00 (Group 15/option 5)
\$ 200.00 (Group 15/option 6)
\$ 2,500.00 (Group 15/option 7)
\$ 3,224.00 (Group 15/option 8)
\$ 990.00 (Group 15/option 9)

Don Hattan Chevrolet Inc. - \$15,500.00 (Group 16/base bid)
\$ 1,500.00 (Group 16/option 1)
\$ 175.00 (Group 16/option 2)
\$ 725.00 (Group 16/option 3)

Rusty Eck Ford Inc. - \$27,663.00 (Group 17/base bid)
\$ 243.00 (Group 17/option 1)

Don Hattan Chevrolet Inc. - \$26,556.00 (Group 17/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Heating & Air Conditioning
Replace LDS.

Trimech, Inc. - \$31,577.27 (Group 1/base bid)
\$15,396.00 (Group 1/option 1)
\$15,159.00 (Group 1/option 2)

VARIOUS DEPARTMENTS AND DIVISIONS: Cab Chassis with various Bodies, Step Van.

Don Hattan Chevrolet Inc. - \$32,392.00 (Group 1 total net bid)

Roberts Truck Center - \$50,526.00 (Group 2/base bid)
\$ 1,025.00 (Group 2/option 1)
\$ 675.00 (Group 2/option 2)
\$ 616.00 (Group 2/option 3)

Roberts Truck Center - \$50,526.00 (Group 3/option 1)
\$ 675.00 (Group 3/option 2)
\$ 616.00 (Group 3/option 3)

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Don Hattan Chevrolet Inc. - \$38,548.00 (Group 4/base bid)
\$.00 (Group 4/option 1)
\$ 2,495.00 (Group 4/option 2)

Kansas Truck Center - \$52,668.00 (Group 5/base bid)
\$ 2,518.00 (Group 5/option 2)
\$ 464.00 (Group 5/option 3)
\$ 98.00 (Group 5/option 5)

Kansas Truck Center - \$115,974.00 (Group 6/base bid)
\$ 1,688.00 (Group 6/option 1)
\$ 996.00 (Group 6/option 2)
\$ 1,036.00 (Group 6/option 4)
\$ 584.00 (Group 6/option 5)
\$ 287.00 (Group 6/option 6)
<-\$5,000.00>(Group 6/option 7/deduct)

Kansas Truck Center - \$111,354.00 (Group 7 base bid)
\$ 496.00 (Group 7/option 1)
\$ 150.00 (Group 7/option 2)
\$ 120.00 (Group 7/option 4)
\$ 509.00 (Group 7/option 5)
\$ 20,062.00 (Group 7/option 6)
<-\$13,500.00>(Group 7/option 8/deduct)

Roberts Truck Center - \$60,247.00 (Group 8/base bid/Supplement B)
\$ 514.00 (Group 8/option 1)
\$ 200.00 (Group 8/option 2)
\$ 394.00 (Group 8/option 3)
\$ 100.00 (Group 8/option 4)
\$ 988.50 (Group 8/option 5)
\$26,258.75 (Group 8/option 7)
<-\$10,000.00>(Group 8/option 8/deduct)

Roberts Truck Center - \$148,287.00 (Group 9/base bid/Supplement B)
\$ 514.00 (Group 9/option 1)
\$ 200.00 (Group 9/option 2)
\$ 100.00 (Group 9/option 3)
\$ 547.00 (Group 9/option 4)
\$ 509.00 (Group 9/option 5)
\$ 22,584.00 (Group 9/option 7)

Kansas Truck Center - \$386,496.00 (Group 10/base bid)
\$ 496.00 (Group 10/option 1)
\$ 150.00 (Group 10/option 2)
\$ 120.00 (Group 10/option 3)
\$ 547.00 (Group 10/option 4)
\$ 509.00 (Group 10/option 5)
\$ 17,560.00 (Group 10/option 6)
\$ 24,868.00 (Group 10/option 7)
<-\$61,850.00>(Group 10/option 8/deduct)

Kansas Truck Center - \$ 97,996.00 (Group 11/alternate bid)
\$.00 (Group 11/option 1)
<-\$10,500.00> (Group 11/option 2/deduct)

Don Hattan Chevrolet Inc. - \$38,420.00 (Group 12/total net bid)

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Roberts Truck Center - \$84,678.00 (Group 13/base bid)
<-\$ 9,000.00> (Group 13/option 1/deduct)

M B Companies Inc.-\$226,141.00 (Group 14/base bid)
<-\$ 7,500.00> (Group 14/option 1/deduct)
\$ 1,511.00 (Group 14/option 2)
\$ 290.00 (Group 14/option 3)

Roberts Truck Center - \$67,794.00 (Group 15/base bid)
\$ 514.00 (Group 15/option 1)
\$ 200.00 (Group 15/option 2)
\$ 101.00 (Group 15/option 3)

AIRPORT DIVISION/ENGINEERING DIVISION: Replace Chiller & AHU at Administrative Building.

American Mechanical Inc. - \$117,706.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Rehabilitation of Pump Stations #2 and #4.

Fairbanks Morse Pump Corp - \$267,155.00 (Group 1/total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Area Velocity Flow Meters.

Marsh-McBirney Inc. - \$23,160.00 (Group 1 base bid)
\$ 1,500.00 (Group 1/option 2/unit cost)
\$ 1,500.00 (Group 1/option 3)
\$ 7,160.00 (Group 1/option 4)

HOUSING SERVICES DEPARTMENT/MAINTENANCE DIVISION: Windows – Thermal Break Primary.

Columbia Industries - \$32,031.50* (Group 1/base bid)
*Estimate – Contract approved on unit cost basis; refer to attachments.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Replace Elevator Cab at Lawrence Dumont.

Thyssenkrupp Elevator Company - \$28,908.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Solar Power Message Sign.

K&K Systems Inc. - \$16,280.00 (Group 1/base bid)
\$ 750.00 (Group 1/option 1)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Excavator, Loaders, Roller, Tractor, Tractor Trailer and Boring Unit.

Ditchwitch of Kansas - \$151,954.60 (Group 10 base bid)
\$ 3,995.00 (Group 10/option 2)
<-\$- 2,000.00> (Group 10/option 3/deduct)

PUBLIC WORKS DEPARTMENT/STREET & FLEET MAINTENANCE DIVISIONS: Trailer Mounted Pressure Applicator.

Paving Maintenance Supply Inc. - \$71,316.40 (Group 1/total net bid)

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WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Furnish and Install Sewer Jetter.

Key Equipment & Supply Co. - \$62,350.00 (Group 1/base bid)
\$ 856.00 (Group 1/option 2)
\$ 2,630.00 (Group 1/option 3)
\$4,331.00 (Group 1/option 4)
\$ 336.00 (Group 1/option 7)
\$ 775.00 (Group 1/option 8)
\$ 918.00 (Group 1/option 9)
\$ 1,943.00 (Group 1/option 10)

FINANCE DEPARTMENT-IT/IS DEPARTMENT: Dell E-Form Servers Equipment (RQ402629)

Del Marketing LP* - \$151,607.74 (Western States Contract Alliance Contract
Pricing 92-00151, Contract Number: 01530)

*Purchases utilizing Government Entities Contracts, Cooperative
Contracts and Agreements - Ordinance No. 38-122, Section 2.64.020 (j).

FINANCE DEPARTMENT-IT/IS DEPARTMENT: Right Fax Enterprise Server/Premium
Supprt Plan/Channel Licenses (RQ402635).

Word-Tech, Inc*. - \$27,258.78

*Purchases utilizing Sole Source of Supply Ordinance No. 35-856,
Section 2.64.020 (b).

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

Renewal Adult Entertainment

Robert Floyd Priscilla's 2606 South Rock Road #100

Motion--
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Bernard J. Berning	Pizza Villa Restaurant*	2342 South Maize Road
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Robin E. Forbis	Wal-Mart Supercenter #1221	6110 West Kellogg
Lethanh T. Le	Broadway Supermarket	1336 North Broadway
Kenny Nguyen	PP Station	2601 North Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

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PRELIMINARY EXP. PRELIMINARY ESTIMATES:

- a) Wichita Public Pool Site Lighting Improvements (nine public pool sites in City parks) (472-84002/785041/785042/394173/394174) Does not affect existing traffic. (Districts I, II, III, IV, V, VI) - \$177,000
- b) Storm Water Drain #245 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (468-83929/751385/485276) Does not affect existing traffic. (District V) - \$318,000
- c) Water Distribution System to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside) (448-89770/735224/470894) Does not affect existing traffic. (District I) - \$70,000

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated October 15, 2004 from Parkway Partners, L.L.C. located over a portion of Lot 4, Block 1, Wilson Estates Medical Park 2nd, an addition to Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City
- b) Storm Water Sewer Easement dated October 20, 2004 from Parkway Partners, L.L.C. located over a portion of Lot 4, Block 1, Wilson Estates Medical Park 2nd, an addition to Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City
- c) Utility Easement dated November 8, 2004 by Fox Ridge Development Company, Inc for a tract of land located in the northern portion of Reserve E, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#607861). No Cost to City
- d) Utility Easement dated November 16, 2004 by Fox Ridge Development Company, Inc for a tract of land located in the southern portion of Reserve G, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#607861). No Cost to City
- e) Drainage and Utility Easement dated November 15, 2004 from 13th Avenue Partners, LLC for a tract of land located in a portion of Lot 12, Block 1, The Gateway Center Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#607861). No Cost to City
- f) Utility Easement dated November 29, 2004 from Consolidated Greenwich 21, LLC for a tract of land located in Lot 11, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#744094) No cost to City
- g) Waterline easement dated November 29, 2004 from Consolidated Greenwich 21, LLC for a tract of land located in Lot 11, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#744094) No Cost to City

Motion--carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

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COST STATEMENTS STATEMENTS OF COST:

- a) Improving Milstead, Milstead Court, etc. to serve Flat Creek Addition (east of 119th Street West, north of Pawnee). Total Cost - \$348,449.19 (plus idle fund interest - \$1,179.85, plus temporary note interest - \$4,449.96). Financing to be issued at this time - \$354,079.00. (765824/472-83385/490-935).
- b) Improving Sedgwick, Athenian, Charles, St. Clair, Delaware, 54th St. North, 56th St. North and 57th St. North to serve Leewood Heights & 2nd, 3rd & 4th Additions, Anderson Acres, Liebau Heights, Stein-Adams and others (north of 53rd Street North, east of Meridian). Total Cost - \$750,567.99 (plus idle fund interest - \$2,930.21, plus temporary note interest - \$13,755.80). Financing to be issued at this time - \$767,254.00. (765717/472-83474/490-828).
- c) Improving Joann from Central to Zoo Boulevard to serve Westridge Acres, Davis Gardens and Omo Additions. Total Cost - \$155,421.89 (plus idle fund interest - \$519.85, plus temporary note interest - \$2,665.26). Financing to be issued at this time - \$158,607.00. (765718/472-83478/490-829).
- d) Improving Peckham and Mainsgate Circle to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$217,671.17 (plus idle fund interest - \$1,158.87, plus temporary note interest - \$2,064.96). Financing to be issued at this time - \$220,895.00. (765829/472-83638/490-940).
- e) Improving Bracken Circle and Zimmerly Court to serve Woodland Lakes Estates 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$217,033.04 (plus idle fund interest - \$1,009.50, plus temporary note interest - \$2,057.46). Financing to be issued at this time - \$220,100.00. (765848/472-83716/490-959).
- f) Improving Northwind, Northwind Circle, Hazelwood, Northshore Circle, and Northwind Court to serve Ridge Port and Ridge Port 3rd Additions (east of Ridge, north of 29th Street North). Total Cost - \$257,988.17 (plus idle fund interest - \$1,011.37, plus temporary note interest - \$4,577.46). Financing to be issued at this time - \$263,577.00. (765802/472-83772/490-913).
- g) Improving Parkdale, Bristle Cone, Bristle Cone Circle, Lantana and Lantana Court to serve Evergreen 4th Addition (south of 29th Street North, west of Maize). Total Cost - \$326,663.78 (plus idle fund interest - \$1,757.92, plus temporary note interest - \$3,018.30). Financing to be issued at this time - \$331,440.00. (765836/472-83782/490-947).
- h) Improving Red Fox Circle to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler). Total Cost - \$65,253.71 (plus idle fund interest - \$494.71, plus temporary note interest - \$472.50). Financing to be issued at this time - \$66,220.00. (758682/472-83789/490-973).
- i) Improving Andrea, Andrea Courts and Tara Falls Court to serve Tara Falls Addition (south of Harry, east of Greenwich). Total Cost - \$230,939.95 (plus idle fund interest - \$709.59, plus temporary note interest - \$3,017.46). Financing to be issued at this time - \$234,667.00. (765822/472-83848/490-933).
- j) Improving 27th Street South to serve Kingston Cove 2nd Addition (south of Pawnee, west of McLean Boulevard). Total Cost - \$95,460.60 (plus idle fund interest - \$247.39, plus temporary note interest - \$1,014.12). Financing to be issued at this time - \$96,722.00. (765831/472-83860/490-942).
- k) Improving St. Paul and St. Paul Court to serve The Legacy Addition (west of Meridian, south of Macarthur). Total Cost - \$119,755.81 (plus idle fund interest - \$679.25, plus temporary note interest - \$1,244.94). Financing to be issued at this time - \$121,680.00. (765835/472-83892/490-946).
- l) Improving Auburn Hills, Monterey, Ocala, Auburn Hills Court, etc. to serve Auburn Hills 15th Addition (west of 135th Street West, north of Kellogg). Total Cost - \$474,549.57 (plus idle fund interest - \$2,675.13, plus temporary note interest - \$4,098.30). Financing to be issued at this time - \$481,323.00. (765841/472-83930/490-952).

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- m) Improving 20th Street from the east line of Webb Road to 220 feet east of the east line of Webb Road to serve Handley 2nd Addition (south of 21st Street North, east of Webb). Total Cost - \$96,974.15 (plus idle fund interest - \$445.73, plus temporary note interest - \$1,029.12). Financing to be issued at this time - \$98,449.00. (765844/472-83937/490-955).
- n) Improving traffic signal on 21st Street North approximately 1,000 feet west of Greenwich Road (north of 21st, west of Greenwich). Total Cost - \$119,219.61 (plus idle fund interest - \$373.27, plus temporary note interest - \$1,179.12). Financing to be issued at this time - \$120,772.00. (765859/472-83954/490-970).
- o) Improving Maize Court to serve Southern Ridge Addition (west of Maize, south of Pawnee). Total Cost - \$108,903.25 (plus idle fund interest - \$644.75, plus temporary note interest - \$795.00). Financing to be issued at this time - \$110,343.00. (765860/472-83956/490-971).
- p) Improving traffic signal at the intersection of Maize Road and Central Park Street (north of 21st, west of Maize). Total Cost - \$89,918.59 (plus idle fund interest - \$431.63, plus temporary note interest - \$810.78). Financing to be issued at this time - \$91,161.00. (765858/472-83957/490-969).
- q) Improving Glenwood Circle to serve Reed's Cove Addition (south of 21st, east of 127th Street East). Total Cost - \$160,825.91 (plus idle fund interest - \$1,111.09, plus temporary note interest - \$1,125.00). Financing to be issued at this time - \$163,062.00. (765865/472-83968/490-976).
- r) Constructing Lateral 15, Main 19, Southwest Interceptor Sewer to serve Northridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$123,506.56 (plus idle fund interest - \$204.14, plus temporary note interest - \$1,533.30). Financing to be issued at this time - \$125,244.00. (744024/468-83736/480-712).
- s) Constructing Lateral 361, Four Mile Creek Sewer to serve Gateway Center and Kiser West Additions (south of 13th Street North, east of Greenwich). Total Cost - \$222,654.42 (plus idle fund interest - \$1,201.12, plus temporary note interest - \$2,102.46). Financing to be issued at this time - \$225,958.00. (744042/468-83747/480-730).
- t) Constructing Lateral 272, Main 5, Sanitary Sewer No. 22 to serve Steve Kelley 5th Addition (south of 13th Street North, east of Hoover). Total Cost - \$64,600.15 (plus idle fund interest - \$404.35, plus temporary note interest - \$472.50). Financing to be issued at this time - \$65,477.00. (744055/468-83801/480-743).
- u) Improving Storm Water Drain #190 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$643,149.26 (plus idle fund interest - \$5,172.50 plus temporary note interest - \$9,129.24). Financing to be issued at this time - \$657,451.00. (751321/468-83516/485-212).
- v) Improving Storm Water Drain #191 to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$147,838.85 (plus idle fund interest - \$686.45 plus temporary note interest - \$1,490.70). Financing to be issued at this time - \$150,016.00. (751360/468-83517/485-251).
- w) Improving Storm Water Sewer #582 to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$105,093.01 (plus idle fund interest - \$455.99 plus temporary note interest - \$765.00). Financing to be issued at this time - \$106,314.00. (751363/468-83560/485-254).
- x) Improving Storm Water Sewer #592 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East) Total Cost - \$138,909.26 (less idle fund interest - \$833.80 plus temporary note interest - \$1,904.94). Financing to be issued at this time - \$141,648.00. (751346/468-83571/485-237).

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y) Improving Storm Water Drain #204 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East) Total Cost - \$872,231.37 (plus idle fund interest - \$3,593.17 plus temporary note interest - \$15,254.46). Financing to be issued at this time - \$891,079.00. (751334/468-83625/485-225).

z) Improving Storm Water Sewer #589 to serve Evergreen 4th Addition (south of 29th Street North, west of Maize). Total Cost - \$102,847.31 (plus idle fund interest - \$337.73 plus temporary note interest - \$1,224.96). Financing to be issued at this time - \$104,410.00. (751353/468-83640/485-244).

aa) Improving Storm Water Drain #208 to serve Harvest Ridge Addition (west of Maize, south of 31st Street South). Total Cost - \$113,415.96 (plus idle fund interest - \$671.54, plus temporary note interest - \$787.50). Financing to be issued at this time - \$114,875.00. (751351/468-83662/485-242).

bb) Improving Storm Water Sewer #595 to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$433,573.74 (plus idle fund interest - \$2,050.28 plus temporary note interest - \$4,114.98). Financing to be issued at this time - \$439,739.00. (751349/468-83719/485-240).

cc) Improving Storm Water Sewer #601 to serve Ridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$110,885.12 (plus idle fund interest - \$289.92 plus temporary note interest - \$1,284.96). Financing to be issued at this time - \$112,460.00. (751350/468-83737/485-241).

dd) Improving Storm Water Drain #222 to serve English Country Gardens Addition (east of Tyler, north of 13th Street North). Total Cost - \$477,304.32 (plus idle fund interest - \$2,532.87, plus temporary note interest - \$4,120.80). Financing to be issued at this time - \$483,958.00. (751361/468-83756/485-252).

ee) Improving Storm Water Drain #225 to serve Regency Lakes Commercial 2nd Addition (north of 21st, west of Greenwich). Total Cost - \$413,682.20 (plus idle fund interest - \$1,928.00 plus temporary note interest - \$3,655.80). Financing to be issued at this time - \$419,266.00. (751362/468-83775/485-253).

ff) Improving Storm Water Drain #230 to serve Reed's Cove, Reed Commercial, Reed's Cove 2nd, and Reed's Cove 3rd Additions (south of 21st, east of 127th Street East). Total Cost - \$64,000.00 (plus idle fund interest - \$369.75, plus temporary note interest - \$461.25). Financing to be issued at this time - \$64,831.00. (751366/468-83800/485-257).

gg) Improving Water Distribution System to serve Copper Gate Estates Addition (south of 13th, west of 135th Street West). Total Cost - \$58,220.55 (plus idle fund interest - \$263.79, plus temporary note interest - \$546.66). Financing to be issued at this time - \$59,031.00. (735181/448-89756/470-851).

hh) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st, east of 127th Street East). Total Cost - \$41,069.51 (plus idle fund interest - \$248.49, plus temporary note interest - \$300.00). Financing to be issued at this time - \$41,618.00. (735191/448-89822/470-861).

ii) Improving Water Distribution System to serve Northridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$74,553.49 (plus idle fund interest - \$195.55, plus temporary note interest - \$729.96). Financing to be issued at this time - \$75,479.00. (735159/448-89898/470-829).

jj) Improving Water Distribution System to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$86,647.32 (plus idle fund interest - \$481.68, plus temporary note interest - \$630.00). Financing to be issued at this time - \$87,759.00. (735186/448-89934/470-856).

kk) Improving Water Distribution System to serve Steve Kelley 5th Addition (south of 13th Street North, west of Hoover). Total Cost - \$50,922.52 (plus idle fund interest - \$298.98, plus temporary note interest - \$367.50). Financing to be issued at this time - \$51,589.00. (735192/448-89945/470-862).

Motion--carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

THUNDER HOCKEY APPROVAL OF THUNDER HOCKEY OFFICE LEASE.

Agenda Report No. 04-1262

In 1995, the City of Wichita entered into an agreement with Canlan Ice Sports for the management of the Wichita Ice Sports Center, located at Maple and Sycamore in downtown Wichita. Pursuant to the management agreement, Canlan has leased approximately 2,200 sq. ft. of space in the Ice Center to the Thunder Hockey Team to serve as the team's corporate front office. The original lease with the Thunder expired in 2002 and the lease has been extended on a month-to-month basis. A new one-year lease has been negotiated between Canlan and the Thunder. Under the terms of the management agreement with Canlan, the City must approve the terms of the new lease.

Under the original lease, the Thunder leased the office space, plus a team locker room, for \$10.00 per square foot. The Thunder subsequently relinquished its lease on the locker room. The terms of the new lease call for the team to lease office space only at a rate equal to approximately \$11.80 per square foot. Included in the lease rate is 12 hours of free use of one of the two ice rinks for team practices, training camp or exhibition games. Access to dressing rooms during the use of the ice rink is also included.

The revenues generated by the operation of the Wichita Ice Sports Center, including Thunder office lease income, belong to the City of Wichita and are used to defray the operating expenses of the facility.

Motion--
--carried

Mayans moved that the Office Lease Agreement between the Ice Sports Center and Thunder Hockey be approved and the necessary signatures authorized. Motion carried 7 to 0.

CLAIMS

CLAIMS FOR THE MONTH OF NOVEMBER 2004.

Hill, Ronald A.	\$969.00
Madden, Helen B.	\$193.89
McNett, Roy E.	\$540.00
Mudd, Gene R.	\$310.30**
Snow, Hodge and Edwards	\$451.33
SW Bell	\$403.64
SW Bell	\$1,650.15
Westar Energy	\$155.73

** Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the Report be received and filed. Motion carried 7 to 0.

DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR FIREFLY DRIVE AND AZURE LANE, SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-1263

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of paving Firefly Drive and Azure Lane. The Staff Screening & Selection Committee selected Baughman for the design on November 18, 2004.

Payment to Baughman will be on a lump sum basis of \$32,500, and will be paid by special assessments and General Obligations Bonds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF A TRACT BEHIND 550 WETMORE COURT FOR THE COWSKIN CREEK CHANNEL IMPROVEMENT PROJECT: KELLOGG TO MAPLE. (DISTRICT V)

Agenda Report No. 04-1264

The Cowskin Creek Channel Improvement Project will require the acquisition of all or part of fourteen tracts. One of the required acquisitions is an undeveloped tract behind 550 Wetmore Court. The total tract encompasses 9,148 square feet and is unimproved.

The acquisition was appraised for \$3,000 and this amount was confirmed by the review appraiser. After negotiations, the owner has agreed to accept \$4,000.

The funding source is Storm Water Utility and Federal funding. A budget of \$4,500 is requested. This represents \$4,000 for acquisition and \$500 for closing costs, surveys, title insurance and other miscellaneous costs.

Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contracts be approved and the necessary signatures. Motion carried 7 to 0.

BUDGET

BUDGET ADJUSTMENTS (2004 YEAR-END)

Agenda Report No. 04-1265

Final expenditures are being posted to the 2004 budgets. Various budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

There are seven areas where year-end budget adjustments are requested to facilitate year-end closing and/or to efficiently use 2004 appropriations.

Wage agreements with the FOP and IAFF were approved by the City Council subsequent to approval of the 2004 budget. Those contracts included 2004 wage terms that were estimated to cost \$614,260 more than budgeted in the 2004 Police and Fire budgets (\$375,920 in Police and \$238,340 in Fire). The Police Department share can be completely absorbed through salary savings this year. The Fire Department may also be able to absorb some of this cost, though probably not all. Should it be necessary in order to bring closure to the 2004 Fire Department budget, it is proposed to authorize up to \$238,340 from appropriated reserves into the Fire Department personal services budget to offset the expense of the IAFF labor contract.

Due to the transition from using part-time/seasonal City employees to using contractual employees through Syndeo Staffing, a need exists for year-end budget adjustments. The cost for contractual employees is more than offset by savings in the personal services; however, a budget adjustment is required for the affected departments to move the budget authority from personal services to contractals. It is requested to authorize adjustments not to exceed \$250,000 (combined) within departments' budgets for the purpose of offsetting contractual labor expenses in departments that would otherwise exceed the revised budget for contractals.

The Wichita Art Museum experienced frequent employee turnover within 2004 that resulted in salary savings. One consequence, however, is that some expenses are shifted to contractals due to reliance on temporary services to maintain minimum daily Staffing, similar to the issue above. This, though, was further compounded at the Museum by other higher than anticipated operating costs (such as electricity). The Wichita Art Museum is requesting that \$80,000 in salary savings be reprogrammed to contractals to offset these expenses. Because the Museum operates from its Special Revenue Fund, any unexpended portion of their 2004 appropriation would roll to cash balance in the Art Museum Fund and would likely be re-appropriated in 2005 or 2006. Executing a budget adjustment now makes the funding available to the Museum this year.

The Police Helicopter is nearly two years old and regularly scheduled heavy maintenance (inspection and overhaul of the "hot section" of the engine) is due within several months (by no later than March

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2005), based on projected flight hours. Based on a recent overall inspection, down time on the helicopter would be minimized if the maintenance (expected to cost up to \$35,000, depending on the inspection results) were shifted into December 2004, rather than performed in the first quarter of 2005. Year-end salary savings in the Police budget are available for transfer into a project for this maintenance.

On April 20, 2004, the City Council approved a Fire Act grant application of \$444,543, and also approved the grant match of \$190,510 from the General Fund. This grant application, if awarded, will purchase needed rescue equipment for the Fire Department. At this point, it appears doubtful that any notification of award will occur prior to year end. The uncertainty of the grant award timing has impacted the Department's equipment replacement priorities in 2004: increasing the replacement of clothing and reducing rescue equipment purchases. To preserve the budgeted grant match funds until a grant award notification is received, a fire equipment project account and the transfer of the budgeted grant match funds into this account is proposed. In the event the department ultimately does not receive a 2004 grant award, the funds will be available to match future grants or supplement General Fund fire equipment expenditures. And, to accommodate the re-prioritized equipment expenditures in 2004, a transfer of \$20,900 from capital outlay to the equipment project is proposed.

Timing differences necessitate a budget transfer of \$96,500 from contingency funds in the Economic Development Fund to address the following Items. The Chamber of Commerce contract provides for quarterly payments (of approximately \$62,500); however, timing anomalies resulted in five such payments occurring in 2004. Also, Kansas Technical Training Institute scholarships totaling up to \$200,000 were approved by the Council in 2003, of which \$34,000 have been expended from the 2004 budget.

With the exception of the Fire 2004 wage agreement issue (to be paid, if necessary from reserves), proposed budget adjustments will be made only within department's budgets, not altering the bottom line. Appropriated reserves are maintained (within legal levels and according to sound financial management). Funds are available to meet these needs without adverse consequence to resources needed for future programs/operations.

Compliance with State budget requirements have been met, since all budget adjustments are within funds, and the final 2004 expenditure totals (including the recommended adjustments) will not exceed the legally adopted 2004 expenditure authorizations.

Motion--
--carried

Mayans moved that the year-end budget adjustments to facilitate fiscal year-end closing be approved. Motion carried 7 to 0.

HOME PROGRAM

HOME PROGRAM; HOUSING DEVELOPMENT LOAN PROGRAM FUNDING. (DISTRICTS I, III, IV, V, VI)

Agenda Report No. 04-1266

During the 2004-2005 Consolidated Plan funding process, a total of \$305,583 in HOME funding was allocated for the Housing Development Loan Program (HDLP). The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and to provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. Loan structure is dependent upon the type of project to be financed. The program funding may be utilized within the boundaries of the City's Redevelopment Incentives Area.

The Housing Services Department is recommending funding for three applications:

Power CDC/Millair Creek: Power CDC has applied for \$200,000 in HDLP funding to continue construction of single-family homes in the Millair Creek subdivision, which is located at 25th and Minnesota, in the Northeast Local Investment Area. Power CDC has completed and sold 10 homes, and there are 5 additional homes under construction, with previous funding provided through the HDLP.

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Shadowridge LC: Shadowridge, LC has applied for \$175,000 in HDLP funding to continue construction of single-family homes in the Shadowridge subdivision, which is located at the intersection of Sunnybrook and Sunnybrook Ct. in the Planeview Local Investment Area. A total of 14 homes have been completed and sold within the subdivision with previous funding provided through the HDLP.

Menonite Housing Rehabilitation Services (MHRS): MHRS has applied for \$200,000 in HDLP funding in order to continue single-family housing development in the City's Local Investment Areas. MHRS has completed 6 homes in the 1900 block of North Ash with previous HDLP funding. MHRS has advised Housing Services Staff that it has as many as 10 families who desire to purchase a home in one of the City's local investment areas, but the organization does not have sufficient funding to do so at this time.

Each of the proposed projects will require HOME program subsidy. HOME funds are typically provided as development subsidy in order to offset site acquisition, construction, and site improvement expenses, as well as selling expenses and developer fees. The total of these costs cannot be entirely recovered from sale proceeds due to market constraints and the need to keep the homes affordable for low-income families. Typically, the development subsidy of homes constructed with HOME program development subsidy is between \$20,000 and \$25,000, depending on the cost of acquisition, and whether or not demolition is involved.

Families purchasing homes will receive a loan for down payment and closing costs through the City's HOMEownership 80 program. Typically, in the case of new construction, a family receives up to 20% of the purchase price in down payment assistance, and an additional \$2,000 for closing costs.

Housing Services Staff has determined that all of the aforementioned applications meet the criteria of the HDLP, and that each project will assist the City in achieving its neighborhood revitalization and consolidated plan goals. Therefore, Staff recommends funding of each application in the amount of \$101,861. The Housing Advisory Board approved the recommended allocations by a 6-0 vote (with one abstention) during its November 16, 2004 meeting.

HOME funding will be provided in the form of zero-interest, forgivable participation construction loans. Typically, the HOME program share of the construction loan is 25% of the appraised value of the home to be constructed. Allocated funding will provide for construction of up to a total of 12 to 15 homes under the proposed projects.

Funding provided under the Housing Development Loan program must ultimately be approved by the City Council. The funding agreement will be drafted by Housing Services Staff and approved as to form by the City Law Department.

Motion--
--carried

Mayans moved that the recommended allocations be approved; Staff authorized to negotiate the funding agreements and the necessary signatures authorized. Motion carried 7 to 0.

RYAN PROPERTIES

PURCHASE OPTION, RYAN PROPERTIES, L.L.C. (DISTRICT VI)

Agenda Report No. 04-1267

On December 8, 1998 the Wichita City Council approved the issuance of \$2.7 million in Industrial Revenue Bonds, Series XVII, 1998, for the purpose of acquiring, constructing, and equipping a corporate headquarters facility in an existing facility located at 266 N. Main in downtown Wichita.

Under the provisions of Sections 16.2 and 16.3 of the Lease Agreement for the bond series, Ryan Properties, L.L.C., has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$1000. The City of Wichita on December 3, 2004, received notice from the Ryan Properties, L.L.C. of a request to call outstanding bonds and of the company's intention to exercise its purchase option. In connection with the exercise of the purchase option, the company has asked that the City waive the 30-day notice period so that it can close on the purchase prior to the end of December.

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Under the terms of the Lease, the City is required to convey the real property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$1000 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed and the Termination and Release of Lease Agreement.

Motion--

Mayans moved that the bond call be ratified; the Resolution adopted; the notice period for reconveyance waived; the Special Warranty Deed, the Termination and Release of Lease Agreement, and the Cancellation, Discharge and Release of Trust Indenture approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-678

A Resolution of the City of Wichita, Kansas, authorizing the City to convey title to the project; authorizing execution of Warranty Deed; termination and release of the lease; cancellation, discharge and release of trust indenture; and authorizing the execution of all such other documents necessary to convey title to such project to Ryan Properties, L.L.C, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PARKING LOTS

PARKING LOTS, SIGNAGE AND ENTRY DRIVES.

Agenda Report No. 04-1268

The Park and Recreation Department has a number of parking lots across the city, which by City Code must be paved. In addition, entry drives to a number of Park and Recreation facilities and sites are in various stages of disrepair and in need of major reconstruction. Facilities and sites impacted include recreation centers, swimming pools, athletic fields, and parks. Furthermore, the Park and Recreation Department has utilized the same design for entrance signs for many decades and the current system has become outdated and unappealing. The City, which produced a new City logo several years ago, has become a strong symbol for our city and current signs do not have the City seal to promote the parks correlation with other important City amenities.

The 2005 Park Capital Improvement Program (CIP) includes funding for entrance signage and the paving and reconstruction of parking lots and entry drives. The City has identified the need to develop new sign standards for the park system. Design Services will be required to establish a new graphic standard and identity for the park system. In addition, paving and reconstruction of these access nodes and points will protect the City's investment in Park and Recreation facilities and amenities and enhance their use by fee-paying users, neighborhood groups, and citizens. Parking areas requiring compliance include Harrison Park and Southlakes Fishing Lake. The park department will also upgrade the current Park Maintenance facility parking area to comply with current City Code requirements.

The 2005 Park CIP includes \$450,000 for the paving and reconstruction of parking lots and entry drives at Park and Recreation facilities and sites across the city. The funding source is general obligation bonds.

Motion--

Mayans moved that the bonding resolution be approved; initiation of the project; the hiring of design consultants and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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RESOLUTION NO. 04- 679

A Resolution authorizing parking lots, signage and entry drives, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

LIQUOR TAX

ADJUSTMENTS TO SPECIAL LIQUOR TAX FUND BUDGETS.

Agenda Report No. 04-1269

The City Council, with recommendations from the Special Liquor Tax Coalition, approves annual allocations for Special Liquor Tax service providers. The provided services are designed to address local alcohol and substance abuse issues. At meetings on May 20, 2003, December 2, 2003 and March 16, 2004 the Council respectively approved allocations of \$55,527 for the Center of Health and Wellness, \$43,870 for the Mid-America All-Indian Center (IATS), and \$98,429 for COMCARE of Sedgwick County to provide services over periods that include all or part of 2004. However, because of end of calendar year encumbrance problems and the varying contract terms, these three project budgets need minor adjustments to allow City Staff to pay the total amount allocated by the City Council for these programs.

The 2004 budget for the Center of Health and Wellness needs to be increased by \$150 to allow Staff to pay for services provided, which totals slightly less than the Council approved \$55,527. The budget for the Mid-America All Indian Center needs to be increased by \$2,230 to allow Staff to pay up to the \$43,870 authorized by the Council. The budget for COMCARE of Sedgwick County needs to be increased by \$1,020 to allow Staff to pay up to the \$98,429 authorized by the Council. The adjustments do not increase or alter the amounts approved by Council for these providers; rather the adjustments will allow Staff to expend fully the amounts as authorized previously by the Council.

Funds are available in the Special Liquor Tax fund to adjust these three project budgets. These adjustments will not obligate any general fund monies.

The budget increases are within the certified budget amount of this fund.

Motion--
--carried

Mayans moved that the budget increases and the adjustments to three Special Liquor Tax project budgets be approved. Motion carried 7 to 0.

BUS PURCHASE

PURCHASE OF THREE BUSES.

Agenda Report No. 04-1270

On February 10, 2004, the City Council passed the Capital Improvement Program for 2004 - 2013. In accordance with the City CIP, Wichita Transit will be replacing three (3) of its 1997 RT-52 small buses, since they have reached their useful life according to Federal Transit Administration capital replacement guidelines. These 1997 buses will be replaced with three similar heavy-duty buses built by Optima Bus Corporation, located in Wichita.

In 2001, WT selected Optima Bus Corporation to purchase 30' low floor buses, with options to purchase additional buses for up to 5 years. WT will utilize its option to purchase three more Optima buses, which will be identical to the ones purchased in 2001. In addition, by ordering these buses now to meet a February 2005 delivery date, Optima will provide for each bus, a \$2000 parts credit and the REI Bus-Watch video surveillance system, a \$6,077 cost, free of charge. Total incentives equal \$24,231 for this purchase.

The three (3) Optima Bus Corporation buses will be purchased with grants from the FTA (80%) and KDOT (20%). Cost per bus will equal \$258,737. The total cost of three Optima buses, pre-production meeting, and bus line inspections will not exceed \$780,000. There are no city funds in the procurement.

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The City's Law Department will review the contract prior to execution as to form.

Motion--
--carried

Mayans moved that the purchase of three Optima buses not to exceed \$780,000 be approved. Motion carried 7 to 0.

GO BOND NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Agenda Report No. 04-1271

The City is planning to offer for sale one series of general obligation temporary notes totaling \$57,585,000 (Series 213), two series of general obligation bonds (Series 780 and 780A) totaling \$19,825,000 for the purpose of providing permanent financing for capital improvement projects of the City and one series of general obligation bonds totaling \$4,140,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on January 11, 2005, at which time sealed bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's Winter 2005 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 213 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects.

Special Assessment Bonds

The proceeds from the sale of the Series 780 and 780A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 780 and Series 780A Bonds. The Special Assessment Bonds, Series 780, will be issued in the par amount of \$19,035,000. The Special Assessment Bonds, Series 780A, will be issued in the par amount of \$790,000.

Tax Increment Finance (TIF) Bonds

The proceeds from the sale of the Series 958 Bonds, herein referred to as the "TIF Bonds" will be used for public improvements located within the Gilbert/Mosley Tax Increment Financing District. Kansas Statutes allow for cities to finance public development or redevelopment of blighted areas, conservation areas, or areas designated as enterprise zones with incremental real estate taxes. Tax increment funds collected within each defined area will be used to pay all or a portion of the costs of the projects located within the TIF district.

The City of Wichita awards the sale of bonds and notes to the bidder with the lowest true interest cost, or "TIC". Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because TIC does not ignore the timing of interest payments.

The Series 213 Temporary Notes will mature on August 18, 2005 and will be retired using the proceeds of both permanent financing bonds, renewal notes and cash.

The Series 780 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 780 Bonds are payable from the collection of special assessments levied against benefiting properties, and if not so paid, from citywide ad valorem taxes. The Series 780 Special Assessment bonds will be callable in 2012 with a 1% call premium.

The Series 780A Special Assessment Bonds will mature serially over 20 years with principal maturities structured to produce level annual payments of principal and interest. The Series 780A Bonds are

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payable from the collection of special assessments levied against benefiting properties, and if not so paid, from citywide ad valorem taxes. The Series 780A Special Assessment bonds will be callable in 2015 with a 1% call premium.

The Series 958 TIF Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 958 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 958 TIF Bonds will be callable in 2012 with a 1% call premium.

The Law Department has approved the Resolutions authorizing the sale of the series of bonds and notes and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Motion--

Mayans moved that the resolutions authorizing general obligation bond and note sales be adopted; the submittal of the Preliminary Official Statement upon completion be approved and the publication of the Notices of Sale be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-680

A Resolution of the City of Wichita, Kansas authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes Series and General Obligations Bonds, Series, and providing for the giving of notice of public sale, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

DATA CENTER

DATA CENTER ELECTRICAL/MECHANICAL SYSTEMS.

Agenda Report No. 04-1272

The current computer room was designed in the 1970's and over the last thirty years has seen little change in the basic electrical and A/C systems that support it. The current electrical service is nearly out of expansion space and little is known at this point about the maximum capacities these facilities can provide. An expert determination of the overall facilities capacities is essential to ensure continuity of computing service over the long term.

Newer rack-mountable servers are running hotter per rack unit than older and larger servers, reversing a long trend of smaller, faster and less power-intensive devices. Forty servers in a rack require up to 5 kW of power. It takes one ton of air (12,000 BTUs) to cool one rack. A thorough understanding of the capacities available in combination with expert advice in current trends and best practice implementations will be combined to create a long-range (10 years or more) physical facilities plan. A request for proposal was issued and 1 proposal received from Professional Engineering Consultants P.A. Meeting all proposal requirements within approved budget program option amounts.

The 2004 Revised Information Technology budget includes \$60,000 to audit the current electrical and mechanical systems, provide recommended repairs and upgrades, and implement the recommendations. Placing the budgeted funds into a project account will allow adequate time to evaluate the facility and implement recommended changes.

Transfers over \$10,000 require City Council approval.

Motion--carried

Mayans moved that the budget transfers and contract be approved. Motion carried 7 to 0.

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EPA GRANT

EPA GRANT APPLICATION FOR POLLUTION PREVENTION ACTIVITIES.

Agenda Report No. 04-1273

Environmental Health (EH) in cooperation with Public Works (PWs) and Purchasing would like to apply for an EPA grant. This opportunity provides financial assistance to local governments for development and implementation of pollution prevention (P2) policies and source reduction activities. EPA is interested in projects that will provide an overall benefit to the environment by preventing the generation of pollutants at the source. More specifically, EPA is soliciting applications that achieve P2 through environmentally preferable purchasing policies and practices and/or through the integration of P2 concepts into existing local programs. EPA is particularly interested in applicants who establish partnerships with environmental assistance providers.

EH proposes to work with Kansas State's Pollution Prevention Institute (PPI) as a subcontractor and other City departments to develop a citywide environmentally preferable purchasing program for City facilities. The program will then be implemented as a test case at the City's Central Maintenance Facility for vehicle fleet maintenance operations. This project will be established to document and track results of P2 activities and any benefits (source reduction, economic or process improvements) that might be achieved. The results will be published for possible implementation of similar programs into other City departments. The results will also be promoted at environmental conferences to encourage other local governments and businesses to take similar steps for P2.

EH is seeking approval to apply for EPA's grant called "To Support Source Reduction Assistance" required by December 15, 2004. If awarded the grant, EH, as project manager, will work with PWs, Purchasing and Ks State's PPI to develop and implement a P2 program described above. PPI will be the primary subcontractor for this work and will provide technical expertise to the City for development and implementation of P2 programs. They will also assist in preparing grant and program documents and assist in implementing, documenting and tracking the program at the Central Maintenance Facility. EH and PPI will work with Purchasing and PWs Fleet Maintenance to implement the programs.

The grant application will not exceed \$20,000 and will be implemented in a period not to exceed two years. EH intends to subcontract approximately 75% of the grant award to Ks State's PPI. The City of Wichita will provide labor to meet or exceed an EPA required 5% (\$1,000) grant match.

Motion--
--carried

Mayans moved that the grant application be approved; the necessary signatures and expenditure of funds if awarded the grant authorized. Motion carried 7 to 0.

LITIGATION

APPROVAL OF LITIGATION SETTLEMENT.

Agenda Report 04-1274

The Independent Living Resource Center filed a lawsuit earlier this year in state district court questioning the City's compliance with the requirements of the ADA and Rehabilitation Act. The City has recognized areas of non-compliance exist, and had independently started taking steps to remedy this situation. This settlement agreement adopts those positive steps into a more comprehensive resolution that will insure greater access across the entire spectrum of City facilities and programs.

The City performed an ADA self-assessment in 1992, but the requirements of the law have become increasingly more defined since that time. The City Council has previously given approval for Staff to select an ADA consultant. The consultant selected will review all City facilities and programs to arrive at an economical yet comprehensive plan to increase access. The lawsuit filed by ILRC highlighted some acknowledged deficiencies, and questioned others. Staff has evaluated the potential scope of the lawsuit, the money and effort to be expended by both sides in litigation, and the considerable risk of a trial resolution that would not satisfy either side. Given the prior Council approval of greater access as a City goal, a negotiated resolution to that end appears appropriate. This settlement agreement will take the City down a path of substantial, but measured improvement in access. This will be

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accomplished on a timetable of priorities set with the help of the City's selected consultant, and substantial input from ILRC and others representing groups and organizations serving community members with disabilities. The net result should be a more community responsive transition plan, implemented at a substantial cost savings compared to court enforced modifications.

Funding for the programmatic changes and facility improvements arising from this settlement will come from the present and future budget allotments of the affected departments. Funding for the self-assessment and transition plan has been previously approved from the Public Works budget, and selection of that consultant is in the RFP process. Funding for the award of reasonable attorney fees to ILRC, to be determined at a later time by the court, will come from the tort claims fund.

The Law Department recommends acceptance of the interim settlement agreement. A final settlement agreement will entail implementation of the transition plan determined after the Council receives the input of the consultant, public comment, Staff comment, and the advisory group herein created.

Motion--
--carried

Mayans moved that the acceptance of the interim settlement agreement be authorized. Motion carried 7 to 0.

MURDOCK BRIDGE MURDOCK BRIDGE WATER LINE REPLACEMENT. (DISTRICT VI)

Agenda Report No. 04-1275

The Murdock Bridge is undergoing rehabilitation. On November 1, 2004, there was a large main break in the 36" waterline to the east of the bridge. The 36" water line is currently out of service, pending repairs. The 36" water line is a major transmission main and serves the easterly part of the City of Wichita. The repair of the 36" water line and replacement of the two 24" water lines on the bridge are required to return the line to service.

The waterline must be repaired immediately to provide adequate pressures and volumes for the existing water customers. Though work on the bridge is continuing, the work cannot be completed until the water lines are repaired and replaced. The transfer of funds is necessary to cover the cost of the water line repair and replacement.

The estimated cost for the contract to replace the water line is \$425,000. Funds are available in the 2004 Water Utility operating budget, in the contingency funds.

The City Council must approve the transfer of budgeted funds.

Motion--
--carried

Mayans moved that the transfer of funds be approved and the expenditure authorized. Motion carried 7 to 0.

CASE NO. 03-1252 SETTLEMENT OF LITIGATION-WILLIAMS VS. VOYLES, ET AL, CASE NO. 03-1252-JTM.

Agenda Report No. 04-1276

This lawsuit, titled Prentice Williams v. Sara Voyles et al, Case No. 03-1252-JTM results from a response to an alleged domestic violence call by three Wichita Police Officers where a report of a firearm was made. The suspect left his own house and walked to a nearby house where another family lived. When attempting to contain the situation the officers got into a physical confrontation with a family member who sustained minor physical injuries.

After investigating the claim, evaluating the extent of the claimed damages and the expected costs and expenses of the litigation, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$20,000 as full settlement of all claims arising out of this occurrence. Settlement would include a full release of liability for the City and the individual Police

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Officers. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the Tort Claims Fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Mayans moved that the settlement of all possible claims arising out of the transactions, which are the subject of the litigation be authorized. Motion carried 7 to 0.

BNSF RR

CLEANUP OF ABANDONED BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY. (DISTRICTS I, II)

Agenda Report No. 04-1302

The abandoned BNSF easement runs northeast through the city from approximately Murdock and Piatt to 17th St. No. and the eastern city limit. This easement is no longer maintained by the railroad, and has become overgrown with tall weeds and volunteer trees. Areas closer to the core area have been the site of illegal dumping, and contain a large quantity of trash and bulky waste. The Environmental Health Department and Wichita Police Department receive numerous citizen complaints concerning conditions along the easement, and WPD has additional concerns related to illegal activities along the property.

State law and City ordinance allow abatement of nuisances on private property, after legal notice to the responsible parties. Abatement costs are billed to the property owner, or placed as a special assessment against the property. Environmental Health Staff has mailed certified notice to BNSF in addition to publishing and posting copies as required by law. Given the abandonment of the right of way, cleanup by BNSF is unlikely. Cleanup and mowing projects under Chapters 7 and 8 of the city code are normally carried out by Environmental Health's nuisance abatement contractors. Due to the need for specialized equipment, the magnitude of the project, and the current contractors reluctance to guarantee a firm cost for cleanup, Staff recommends issuance of a Request for Proposals for the work in question.

The Council, through the annual budget process, allocates funds for lot cleanup and weed mowing. Due to lower activity levels in 2004, \$ 95,000 is available in lot cleanup and mowing accounts to initiate cleanup of the BNSF easement. Initial estimates from existing contractors indicated the possibility of costs totaling \$ 200,000 for cleanup and mowing of the entire easement. Staff anticipates possible savings through the RFP process, and the potential involvement of specialized contractors. Initial cleanup would be targeted at the areas most heavily impacted, should total funds available be insufficient for the entire project.

The Law Department has advised that there is no legal impediment to proceed with the project.

Motion--
--carried

Mayans moved that the project, transfer \$95,000 from the General Fund, \$20,000 from weed mowing and \$75,000 from lot cleanup be approved and the issuance of a Request for Proposal be authorized. Motion carried 7 to 0.

STORM WATER

AMENDED STORM WATER RATE RESOLUTION.

Agenda Report No. 04-1277

In August 2004, when the City Council considered the 2005 Operating Budget, Council approved an ERU fee increase of \$0.05 (from \$1.45 to \$1.50), which would allow the Utility to be self-funding with no General Fund contribution

This \$0.05 increase in the ERU fee should result in about \$175,000 increase in annual revenue to the Utility. With this and prior adjustments, the annual General Fund subsidy of \$514,000 is eliminated.

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Motion--
--carried

Mayans moved that the Amended Resolution be adopted and the necessary signatures authorized.
Motion carried 7 to 0.

RESOLUTION NO. 04-681

A Resolution amending Section 2 of the Resolution No. R-03-635 pertaining to the ERU Rate for the storm water utility and repealing the original of said Section, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 14, 2004)

- a) Maple Street between Maize and 119th Street West. (District V)

ORDINANCE NO. 46-413

An Ordinance repealing Ordinance No. 44-672 and amending Ordinance No. 42-248 of the City of Wichita, Kansas, declaring Maple Street, from Maize Road to 119th Street West (472-83092) to be a main traffic way within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Public Hearing and Issuance of Industrial Revenue Bonds, Cessna Aircraft Company.
(Districts III & IV)

ORDINANCE NO. 46-414

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2004 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$51,800,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a Fourteenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as Trustee with respect to the Series VIII, 2004 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a Fourteenth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and, authorizing execution of a Bill of Sale, termination and release of Third Supplemental Lease and cancellation, discharge and release of Third Supplemental Trust Indenture, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) Public Hearing and Issuance of Industrial Revenue Bonds, Bombardier Learjet. (District V)

ORDINANCE NO. 46-415

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$2,780,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of an Eighth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri (successor trustee to Intrust Bank, N.A., Wichita, Kansas) (the "Trustee"), as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of an Eighth Supplemental Lease by and between Learjet inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- d) Public Hearing and Issuance of Industrial Revenue Bonds for Ryan International Airlines.
(District VI)

ORDINANCE NO. 46-416

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$3,500,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series V, 2004 (Rubloff Wichita, LLC) for the purpose of providing funds to purchase and acquire a corporate headquarters; prescribing the form and authorizing execution of a Trust Indenture by and between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Rubloff Wichita, LLC; approving the form of a Guaranty Agreement; approving the sublease of the project to Ryan International Airlines, inc. and Multimedia Hyperion Telecommunications Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Rubloff Wichita, LLC, and Rubloff Wichita Bonds, LLC, as purchaser of the Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Mayans; Lambke, no.

- e) Public Hearing and Issuance of Industrial Revenue Bonds, The Coleman Company, Inc.
(District I)

ORDINANCE NO. 46-417

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series IX, 2004 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$19,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a Tenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of a Tenth Supplemental Lease Agreement by and between the City and the Coleman Company, Inc.; Approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City and the Coleman Company, Inc., as purchaser of the Bonds; and authorizing execution of a Bill of Sale, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- f) International Fire Code-Adoption of the 2000 Edition, Repealing Chapter 15.01 of the City Code, and Ordinance No. 46-255.

ORDINANCE NO. 46-418

An Ordinance adopting the 2000 International Fire Code and City of Wichita amendments thereto as Chapter 15.01 of the Code of the City of Wichita, Kansas, and repealing the original of Chapter 15.01 of said Code and repealing Ordinance No. 46-255, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- g) Funeral Escort Licensing-Amending Section 3.74.020 of the City Code.

ORDINANCE NO. 46-419

An Ordinance amending Section 3.74.020, as set forth in Section 2 of Ordinance No. 46-203 of the Code of the City of Wichita, Kansas, pertaining to licensing applications for funeral escort services and repealing the original of said section.

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- h) 13th Street North Improvement from 135th Street West to Azure. (District V)

ORDINANCE NO. 46-420

An Ordinance declaring 13th Street North, between 135th Street West and Azure (472-84131) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans; Gray, no.

- i) 29th Street North Improvement, from Tyler to Ridge. (District V)

ORDINANCE NO. 46-421

An Ordinance declaring 29th street north, between Tyler and Ridge (472-83903) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans; Gray, no.

- j) Water and Sewer Rate Adjustments.

ORDINANCE NO. 46-422

1. An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to the schedule of rates and charges for water service, and repealing the original of said section. read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-423

2. Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- k) ZON2003-66 - generally located east of Greenwich Road, on the south side of Central Avenue, on the southwest corner of Central Avenue and Ellson Street. (District II)

ORDINANCE NO. 46-425

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-66)

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- l) ZON2004-00051 - generally located northwest of Webb Road and 43rd Street North.
(District II)

ORDINANCE NO. 46-426

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00051)

- m) ZON2004-00052 - generally located at the southeast corner of St. Paul and Elm. (District VI)

ORDINANCE NO. 46-427

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00052)

- n) ZON2004-00053 - generally located south of Central, one-half block west of Tracy, 4425 West Central. (District IV)

ORDINANCE NO. 46-428

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00053)

- o) ZON2004-54 - generally located at the northwest corner of East First Street and Ohio, 1116 East First Street. (District I)

ORDINANCE NO. 46-429

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00054)

- p) ZON2004-00055 - generally located south of Kellogg and west of Water Street. (District I)

ORDINANCE NO. 46-430

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00055)

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UNFINISHED BUSINESS

CONDEMNATIONS REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 4237 EAST MENLO. (DISTRICT III) (Continued from April 20, 2004)

Kurt Schroeder Office of Central Inspection reviewed the Item.

Agenda Report No. 04-1306 B

This property was before the Board of Code Standards and Appeals (BCSA) for public hearing on February 3, 2003, May 5, 2003, August 4, 2003 and October 13, 2003. Matt Foley, representing the new not-for-profit owners of the property, appeared at all hearings, except for the BCSA hearing on October 13, 2003. At the October 13, 2003 BCSA hearing, the BCSA determined that no additional repair work appeared to have been completed, and recommended that the City Council proceed with condemnation and removal of the structure, giving the owner 10 days to start demolition and an additional 10 days to complete it.

The case was before the City Council for a hearing on December 16, 2003. Matt Foley, representing the organization which owns the property, was present, and the Council adopted a resolution allowing the owner 120 days to complete the exterior repairs to the property, and if not completed, requiring the owner to return to the Council with a progress report.

The case came back before the Council for review on April 20, 2004. Matt Foley was again present to represent the property. Council voted to adopt Staff's recommendation to allow an additional 60 days to complete the required exterior repairs.

On July 14, 2004 Staff made an inspection of the property. There were no apparent changes from the conditions observed in late April 2004. On July 15, 2004, a letter was sent to Mr. Foley informing him that the time granted by Council had expired, and that in order to avoid demolition of the property, he would need to request another hearing before the Council. Staff spoke with Mr. Foley, by telephone, on two subsequent occasions. Mr. Foley indicated that he would contact Council Member Lambke, and that he would recommence work on the Menlo property when on-going once work was completed to his main residence.

Any significant exterior renovation or repair of the structure appears to have ceased since late April 2004. The structure is currently secured, but there is construction material, a large dirt pile and some tall weeds on the premises.

Taxes: The 2003 taxes are delinquent and the 2004 taxes were due by December 20, 2004, for a total amount of \$244.33.

The property owner has been notified of the date and time of this hearing.

Motion--

Lambke moved to modify its previous resolution and grant the property owner a final 60 days to complete required exterior repairs. Any extension of time should be conditioned on the following; all delinquent taxes shall be paid in full as of 12/14/04; the structure shall be maintained in a secure condition; the premise shall be maintained free of debris and kept mowed; and the deposit for half of the demolition costs be waived. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-682

A Resolution finding that the structure/s located on Lot 76, Block G, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, being a subdivision in Section 26, Township 27 South Range 1, east of the 6th P.M., Sedgwick County, Kansas, commonly known as<<< is/are unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ARTS FUNDING

FUNDING SUPPORT FOR THE ARTS. (DEFERRED DECEMBER 14, 2004)

THIS ITEM WAS PULLED FROM THE AGENDA.

SALARY/POSITION CLASSIFICATION

AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCE. (DEFERRED DECEMBER 14, 2004)

Lori Wilkerson

Acting Personnel Director reviewed the Item.

Agenda Report No. 04-1248A.

Agreements have been reached for 2004, 2005 and 2006 with the Fraternal Order of Police, Lodge #5; the International Association of Fire Fighters, Local #135; and the Service Employees International Union, Local #513. The wage rates and other economic terms and conditions of employment already agreed-upon and approved by the City Council are incorporated into this amendment. Beginning on page 12, Section 10 (Pay Rates) shows in bold the changes from these negotiations. These rates and changes go into effect with the pay period beginning December 18, 2004.

The agreement negotiated with the Teamsters Local #795 (Airport) is on the Council Agenda today. The rates in this agreement are also reflected in this amendment.

Also incorporated are the recommendations regarding pay rates and other Items for nonexempt employees who are not represented by a bargaining unit, and exempt and management employees. The exempt and management groups have not received a General Pay Adjustment (GPA) for the last two years.

Throughout the year the Personnel Division is requested to review various classifications to determine if they are meeting the needs of the City and departments, and are appropriately classified. Maintaining internal equity in the classification system is also a major consideration and the reason for some reclassifications. There are also some job description revisions that result in minor ordinance changes, but that are necessary to ensure that job descriptions are accurate. For this ordinance there are also many other title changes recommended to be more consistent in how job levels are titled and to eliminate the "director" title for any but department directors. This effort inspired a number of other "clean-up" title revisions, such as deleting any that are no longer in use.

Classification and title changes: The proposed amendments to job descriptions, titles and reclassifications are Itemized below.

Titles deleted:

Assistant City Engineer – not in use
Community Relations Liaison – not in use
Computer Machine Operator I and II – not in use
Director of Airport Administration – not in use
Fleet and Buildings Director – not in use
Information Systems Coordinator (A) & (B) – consolidated into Information Systems Coordinator
Judge Pro-tempore – covered in separate ordinance provision
Marketing Coordinator – not in use
Neighborhood and Community Services Director – not in use
Neighborhood Services Director – not in use
Parking Control Checker – not in use
Planning and Administration Director – not in use
Planning and Development Engineer – not in use
Recreation Director – not in use
Watson Park Assistant Manager – not in use

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New position titles – These result from creating new positions in the budget, classification studies, job description revisions, deleting unused titles and/or revising titles.

<u>Proposed Title</u>	<u>Current Title</u>	<u>Comment</u>
Advance Plans Manager	Land Use Supervisor	Match org. chart and reflect division director level
Airport Engineering & Planning Manager	Director of Airport Engineering & Planning	Change from Director
Airport Public Safety Chief	Chief, Airport Public Safety	Revise title
Air Service Development Coordinator	Air Service Development Director	Change from Director
Arts & Cultural Services Manager	Arts & Cultural Services Director	Change from Director
Assistant Golf Professional	Recreation Supervisor I	Reclassification to appropriate new title
Associate Human Resources	Associate Personnel Technician	Revise for change to Human Resources Specialist
Bacteriologist	Bacteriologist I & II	Delete I & II titles
Botanica Manager	Botanica Director	Change from Director
Building Equipment Supervisor	Equipment Supervisor Buildings	Revise title
Building Services Manager	Building Services Director	Change from Director
Career Development Manager	Career Development Director	Change from Director
Century II Manager	Century II Director	Change from Director
Chief Probation Officer	Municipal Court Supervisor	Revise to more common court title
Counselor	Counselor I & II	Delete I & II titles
Current Plans Manager	Current Plans Supervisor	Revise to reflect division director level
Deputy Airport Public Safety	Deputy Chief, Airport Public	Revise title Chief Safety
Deputy City Clerk	Administrative Assistant	Reclassification to new title
Director of Human Resources	Personnel Director	Revise for change to Human Resources
Economic Development Administrator	Financial Projects Director	Change from Director, and revise to better describe function
Environmental Services Manager	Environmental Services Supervisor	Revise to reflect division director level
Environmental Specialist		Reclassification of more than one position to appropriate new title
Fleet Maintenance Services Manager	Fleet Maintenance Services Director	Change from Director
Geologist	Associate Planner	Reclassification to appropriate new title
Golf Course Food & Beverage Manager	Recreation Supervisor I	Reclassification to appropriate new title
Golf Professional I	Recreation Supervisor II	Reclassification to appropriate new title
Golf Professional II	Golf Professional	Reclassification to appropriate new title
Historic Museum Manager	Historic Museum Director	Change from Director
Human Resources Specialist	Personnel Technician	Revise for change to Human Resources
Laboratory Administrator	Laboratory Director	Change from Director
Library Services Administrator	Library Services Coordinator	Revise to better reflect level of positions
Marketing Services Coordinator	Marketing Services Director	Change from Director

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Municipal Court Clerk	Municipal Court Supervisor	Revise to more common court title
Museum Operations Supervisor	Security Officer	Reclassification from nonexempt range 623 to exempt range 119 for expanded supervisory duties
Natural Resources Coordinator	Resources Director	Change from Director, and to better describe function
Real Estate Administrator	Property Management Director	Change from Director
Senior Storekeeper	Storekeeper (Senior)	Revise inexplicable title
Sewer Maintenance Superintendent	Superintendent of Sewer Maintenance	Revise to be consistent with other Water & Sewer division directors
Technical Services Coordinator	Technical Director	Change from Director
Transportation Planning Manager	Transportation Supervisor	Revise to reflect division director level
Utility Customer Service Manager	Manager, Water Customer Service	Revise to more up-to-date title
Utility Services Coordinator		New position
Water Quality Program Supervisor	Environmental Services Technician	Revise to better describe

Reclassifications – Management has approved these actions but they are included in this amendment because they involve changing existing titles to different pay ranges. Reclassifications are based on the duties of the positions having changed or expanded over time or because of specific reorganizations. It is important that positions be classified consistent with the appropriate level for the duties performed.

Administrative Assistant to the Mayor and City Council – upgrade from exempt range 118 to 116
 Air Quality Program Supervisor – upgrade from exempt range 116 to 114
 Chief Information Officer – upgrade from management range 005 to 004 – new department director
 Environmental Quality Specialist – upgrade from exempt range 118 to 117
 Executive Assistant to the City Manager – upgrade from exempt range 118 to 116
 Fire Chief – upgrade from management range 003 to 002
 Public Health Sanitarian I – upgrade from nonexempt range 623 to 625
 Public Health Sanitarian II – upgrade from exempt range 117 to 116
 Public Information Officer – upgrade from exempt range 116 to 113, and change title
 Traffic Maintenance Supervisor – upgrade from exempt range 117 to 115

Pay raise recommendations for nonexempt, non-represented employees: It is recommended that a 3% General Pay Adjustment (GPA) be granted for 2005 and 2006 to match that agreed upon for the SEIU. It has long been the practice to match these groups because many are the same job titles doing similar work. It would be unreasonable to have, for example, a Secretary in one department who is represented by SEIU being paid at a different level than a Secretary in another department who is not represented.

An unusual situation exists regarding Police Lieutenants (not represented). They received a 2% GPA for 2004. Since then, 3% GPAs have been approved for represented police personnel, retroactive for 2004. This 1% difference aggravates the already existing pay compression between Lieutenants and Sergeants, plus past practice has been to provide Lieutenants with the same raise as granted to represented personnel. Therefore, a 1% increase is recommended for Police Lieutenants, retroactive for 2004, to address salary compression issues.

Pay raise recommendations for Management and Exempt employees: It is recommended that a 3% GPA be granted. It is also recommended that the maximums of these ranges be increased by 5.5%, with the minimums staying the same. Allowing Education Pay for Police Captains is recommended to recognize and compensate them for their education the same as nonexempt police personnel. This revises the last sentence in Section 10, Pay Rates, p. 13 (7): “This provision will not apply to positions in the Management Pay Plan.”

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Longevity Pay: Extending the same Longevity Pay package in the SEIU agreement to all non-represented positions is also recommended. This is shown in Section 10, Pay Rates, p. 14, (14).

The pay rates reflect negotiated 3% raises for represented employees, plus other negotiated salary Items. Council has previously approved these measures.

The recommended raises and other Items for nonexempt, non-represented employees, and Management and Exempt employees, have an estimated cost to the General Fund of \$609,990 in 2005 and \$1,139,610 for 2006, for a total of \$1,749,600 for both years. Staff will work with the City Manager and City Council to provide funding options for the Revised 2005 and 2006 budgets.

The title and job description amendments are either no-cost corrections and changes, or are included in the Revised 2004 or Adopted 2005 budgets.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Declaration of Emergency be approved; the amendments to the Salary and Position Classification Ordinances including the recommended economic enhancements be adopted on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE NO. 46-431

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-943. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-432

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance no. 45-944. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NEW BUSINESS

**AMERICAN BAPTIST
ESTATES**

**REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, AMERICAN
BAPTIST ESTATES. (DISTRICT IV)**

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 04-1278

American Baptist Estates is requesting City Council approval of a six-month Letter of Intent for the issuance of Industrial Revenue Bonds in an amount of \$1,325,000. The proceeds of the proposed bond will be used to build five additional duplex buildings and provide funds to continue to remodel and update existing units, located at 1605 May Street in southwest Wichita.

American Baptist Estates d/b/a Prairie Homestead is a Kansas not-for-profit corporation formed in 1963 to provide a continuing care retirement community for older adults. The original development of Prairie Homestead was developed in 1966. Prairie Homestead provides housing accommodations and care for older adults especially designed to meet their physical, social and spiritual need. The project offers 168 apartments and accommodates single or double occupancy. The units range from 279 to 1072 square feet. Prairie Homestead provides health care services that includes nursing services through scheduled clinics, 24 hour nursing care, and a multitude of therapies. Prairie Homestead also

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provides dining services, weekly basic housekeeping, security and safety features, numerous in-house social activities, and scheduled transportation.

The proposed expansion will include five additional duplex buildings and provide funds to continue to remodel and up-date existing units.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

2004 Bond Issue	\$1,325,000
Funds from Tenant	<u>\$ 29,000</u>
Total Sources of Funds	\$1,354,000

USES OF FUNDS

Construction Costs	\$1,300,000
Underwriting Fee (2%)	25,000
Bond Counsel Fee	12,000
Underwriter's Counsel Fee	9,000
Tenant's Counsel Fee	1,500
Printing & Publications	2,000
Misc.	2,500
Trustee Fees	<u>2,000</u>
Total Uses of Funds	\$1,354,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Riedl First Securities Company of Kansas has agreed to underwrite the bonds. American Baptist agrees to comply with the Standard Conditions contained in the City's IRB Policy.

American Baptist agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. American Baptist does not request a property tax abatement in conjunction with the IRBs. Sales tax exemption on purchase of bond-financed property will save American Baptist an estimated \$53,000, including \$8,500 in county sales tax.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. American Baptist Estates is eligible under the new Economic Development incentive policy since they provide affordable housing for senior residents.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the Letter on Intent to American Baptist Estates for Industrial Revenue Bonds in an amount of \$1,325,000, subject to the Standard Letter of Intent Conditions, for a term of six-months, and authorize the application for a sales tax exemption on bond-financed purchases be approved. Motion --carried carried 7 to 0.

HONEYWELL APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVE FOR HONEYWELL. (DISTRICT IV)

Allen Bell Director of Economic Development reviewed the Item.

Agenda Report No. 04-1279

Honeywell is a large national conglomerate manufacturer whose aircraft avionics division has its largest instrument repair facility in Wichita, on South Hydraulic near Pawnee, where they employ 179 people at average wages over \$40,000 per year. Over a year ago, Honeywell approached the City regarding incentives and assistance in relocating their operations to a site near Mid-Continent Airport. The move would allow the retention of jobs that would otherwise be lost in a plant consolidation to another city.

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Honeywell proposed to build a 57,000 SF building on the site, a building substantially larger than their current location to allow room for future growth in employment.

During the process, the City asked Honeywell to consider leasing a site on Mid-Continent Airport adjacent to the main post office facility on Harry Street. Lease terms were negotiated with Airport Staff, starting at \$.01 per SF and increasing by \$.01 each year for the 30-year term of the lease, plus two 10-year options with ground lease rent escalators and fair market rent for the building after the initial 30-year term. The Wichita Airport Authority approved the Honeywell site lease on October 19, 2004.

The Greater Wichita Economic Development Coalition (GWEDC) has been working with Honeywell to ensure that the company stays in Wichita. GWEDC has coordinated the development of an incentives package with City, County and State officials, which are presented herewith for approval of the City's portion.

The State of Kansas has made the following written incentive offer:

- \$130,000 Kansas Industrial Retraining (KIR) training grant
- Kansas High Performance Incentive Program (HPIP) income tax credits and Enterprise Zone sales tax exemption.
- \$100,000 KEIEP Forgivable Loan.

GWEDC has asked the City and County to each offer forgivable loans based on \$400 per retained job, or \$71,600 each. Honeywell would be required to maintain employment of at least 179 employees for a five-year period in order for the loan to be forgiven. Honeywell plans to finance the construction and equipping of their new Wichita facility entirely with corporate funding. Real property located at Mid-Continent Airport that is used for aviation related purposes is permanently exempt from ad valorem taxes.

The City's forgivable loan proceeds will be paid to Honeywell from funds in the 2004 appropriated general fund reserve.

Prior to the disbursement of any forgivable loan proceeds, additional City Council action will be required to approve a specific forgivable loan agreement.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the proposed economic development incentive package for Honeywell, subject to approval of a forgivable loan agreements be approved. Motion carried 7 to 0.

WATERWALK

APPROVAL OF WATERWALK GROUND LEASE AND RELATED AGREEMENT. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 04-1280

On September 21, 2004, the City Council took several actions to approve and provide a share of the funding for the development of an 88,000 SF anchor destination retail building to be leased by WaterWalk LLC to Gander Mountain, a Minnesota-based outdoor sports retailer. On October 12, 2004, the City Council approved a number of amendments to the WaterWalk Development Agreement needed to proceed with the development of the Gander Mountain project. On November 16, 2004, the City Council directed Staff to publish a notice in the Wichita Eagle to inform the public that on December 21, 2004, the Council will consider entering into a ground lease agreement with WaterWalk LLC for the site designated in the WaterWalk Master Plan for the destination retail store. The giving of notice is required by state law governing the disposition of land acquired by municipalities under urban renewal authority. The notice, which was published twice on consecutive weeks, informed the public that the Council would consider any alternative proposals received prior to December 21, 2004.

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WaterWalk LLC has negotiated lease terms with Gander Mountain and is prepared to begin construction of the Gander Mountain project once the ground lease is executed. In addition to the ground lease, the Gander Mountain lease requires certain related documents be approved by the City Council, including: parking agreements; a permit for the use of highway right-of-way; a declaration of covenants, conditions and restrictions; and an attornment agreement.

Ground Lease: The attached Ground Lease No. 1 between the City of Wichita and WaterWalk LLC provides for the lease of approximately 2.5 acres of land located on the east bank of the Arkansas River, north of Kellogg, west of Wichita Street and south of Lewis Street. The ground lease agreement is based on the form contained in the approved WaterWalk Development Agreement. The term of the ground lease is 99 years at the base rental rate of \$1.00 per year. The ground lease also provides for additional rent equal to 25% of any adjusted net cash flow resulting from the tenant's use of the leased premises. The tenant is required to pay taxes on the leased property, plus any difference between actual taxes and the guaranteed amounts of taxes set forth in the Development Agreement. The City agrees to subordinate its leasehold interest in the property to mortgagees making leasehold mortgage loans to the tenant. The City will retain fee simple ownership of the property.

Parking Agreement: The attached Parking Agreement between the City and WaterWalk LLC provides for the development and management of parking facilities in the WaterWalk development area, as well as a basis for generating parking revenues while ensuring that all public parking spaces will be available to the public free of charge. The Development Agreement calls for the City and WaterWalk to enter into such an agreement and provides guidelines for its terms. The City is obligated to pay for the development of parking facilities, up to the amount of \$8,610,000 (as set forth in the amended Development Agreement). Costs in excess of that amount will be paid by WaterWalk, unless there are savings from other public improvements. The top floor of parking in the parking structure located within WaterWalk Place, the first mixed-use building to be built, will be reserved for exclusive use by residential tenants in the building, who will pay parking fees.

The Parking Agreement includes a "GM Parking District Agreement" as Exhibit B, which sets forth the parking lease rates, terms and conditions, which pertain to the Gander Mountain store and the adjacent retail pad sites. In the future, additional parking district agreements will be presented for City approval as additional areas are ready for development. The GM Parking District Agreement sets monthly parking rates at \$10 per leased space for the first three years and \$15 per space thereafter. Building tenants, such as Gander Mountain, are required to pay parking fees directly to the City. Parking fees not covered by the parking district agreements will be paid by WaterWalk LLC.

Use of Highway Right of Way: The U.S Highway 54 right of way boundary in the vicinity of the WaterWalk project area follows an irregular alignment that encroaches in certain places onto land where improvements are planned. In addition, a significant amount of surface parking will be located underneath the Kellogg Flyover. City Staff has worked closely with the Staff of the Kansas Department of Transportation to develop the attached Highway Permit – Use of Right of Way, which provides authorization for the improvement of land within the right of way. Since U.S. Highway 54 is a "connecting link" highway, the right of way technically belongs to the City of Wichita. Therefore, both the City is the granting authority for the Permit, and KDOT will co-sign.

Covenants, Conditions and Restrictions: The attached Declaration of Covenants, Conditions and Restrictions ("CCR") is a document that regulates the relationship between WaterWalk LLC, as landlord, and Gander Mountain and other lessees, as tenants. The City is required to be a party to the document simply because the City is the landowner. The CCR provides for the establishment of an Owners' Association and for the payment of assessments by the members. Assessments are based on annual common area operating budgets that are approved by the Association. The City is not a member of the Association, but will participate as observer. The City cannot be assessed by the association for any purpose. Assessment revenue will be used to pay for the operation, replacement, improvement and maintenance of common areas, including parking facilities that are the responsibility of the City to maintain. The CCR grants easements over common areas and includes use restrictions and architectural/landscaping provisions.

Attornment: Gander Mountain wishes to ensure that its lease of the destination retailer building will survive in the event WaterWalk LLC loses its leasehold interest in the land for whatever reason. The

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attached Attornment Agreement provides that the Gander Mountain lease will not be terminated by reason of the foreclosure of the ground lease.

There are no new financial obligations of the City created by the agreements presented herewith for approval. The obligation to collect parking fees from commercial tenants in the WaterWalk development is a new requirement for which there will be a marginal administrative cost.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the Ground Lease No. 1, the Parking Agreement, the GM Parking District Agreement, the Highway Permit for Use of Right of Way, the Declaration of Covenants, Conditions and Restrictions, and the Attornment Agreement be approved and the necessary signatures authorized. Motion carried 5 to 2, (Nays-Martz and Lambke).

--carried

ECONOMIC DEV.

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVES FOR FRANCHISE SERVICES COMPANY. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the Item.

(Council Member Fearey momentarily absent.)

Agenda Report No. 04-1281

Franchise Services Company, Inc. ("FSC") is a national back-office support services business based in Wichita. The company was founded by former Pizza Hut Corporation employees to provide accounting and back-office services to Pizza Hut franchises following Pizza Hut's move to Dallas. FSC has since greatly expanded its client base to include many other restaurant chains and other businesses. In 2003, FSC was acquired by Savista, a holding company based in Chicago. Savista's only other holding is a Brazilian company that provides point-of-sale technology to restaurant chains and other businesses.

FSC's corporate headquarters is located in the Brittany Square office park, where 280 employees, mostly accountants, are housed. Average wages are \$20.00 per hour. FSC has out-grown its space in Brittany Square and plans to add another 625 employees as it continues to grow its business during the next five years. FSC would like to relocate its corporate headquarters to space it would lease in the former Thorn Americas building at 37th Street North and Rock Road. (Much of the space most previously occupied by the Coleman Company's corporate offices, which have recently moved back to Coleman's main plant on North Hydraulic.) FSC plans to spend \$16,000,000 to remodel, furnish and equip the new headquarters.

The Greater Wichita Economic Development Coalition (GWEDC) has been working with FSC to ensure that the expansion and relocation of the company's corporate headquarters stays in Wichita. GWEDC has coordinated the development of an incentives package with City, County and State officials, which are presented herewith for approval of the City's portion.

The State of Kansas has made the following written incentive offer:

- \$1,000,000 IMPACT training grant, of which \$850,000 is SKILL to be used for actual training expenses, and \$150,000 is MPI which can be used at their discretion. (The State requires a 10% administrative fee charged against this program so actual dollars will be reduced by \$100,000.)
- Enterprise Zone income tax credits and sales tax exemption.
- \$450,000 KEIEP Forgivable Loan.

GWEDC has asked the City and County to match 50% of the State's forgivable loan, or \$225,000. In addition, the City is asked to offer industrial revenue bonds to finance the purchase of personal property for the new headquarters and grant a 5-year, 100% property tax abatement and sales tax exemption. The City is unable to offer an IRB tax abatement on the real property because it will be leased space in a building already owned by a third party, so there can be no IRB financing on the building. To compensate for this, the City and County have been asked to offer a property tax refund for five years,

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based on the amount of taxes on the Thorn Americas building that is attributable to space leased by FSC. School district taxes would not be rebated.

The proposed City forgivable loan would be in the amount of \$112,500. The City's forgivable loan proceeds will be paid to FSC from funds in the 2004 appropriated general fund reserve. The City's share of the annual amount of property tax rebate is expected to be around \$10,000. Rebate payments will be paid with funds budgeted for incentives in the Economic Development Fund, subject to annual appropriations.

Prior to the disbursement of any incentives, additional City Council action will be required to approve specific agreements pertaining to the forgivable loan and to the rebate of the City property taxes. In addition, if industrial revenue bonds are actually sought by the Company, the City Council must subsequently hold a public hearing after proper giving of notice, and approve a letter of intent.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the proposed economic development incentive package for Franchise Services
--carried Company, Inc., subject to approval of specific written agreements be approved. Motion carried 7 to 0.

BANNER UPGRADE **BANNER UPGRADE.**

Mitch Blackburn IT IS Department reviewed the Item.

Agenda Report No. 04-1282

Banner is the Customer Information System (CIS) utilized by the Water & Sewer Department to store customer meter readings, generate bills and accept payments. The current system has been in place since September of 2000, with the most recent upgrade being done in April of 2002.

To insure that the CIS system used by the Water & Sewer Department will remain sustainable in the long-term and to acquire new functionality, it is necessary to move support to Indus.

Indus is the sole source for this functionality without changing entirely to a new CIS package, which would cost considerably more. Functions to be gained by moving support to Indus include:

- Intelligent Dispatch and Scheduling software
- Business Intelligence
- Data Warehousing functionality
- Customer Contact tracking
- Employee Metrics
- Enhanced-Base Banner functionality

The IT/IS Advisory Board has approved Staff's recommendation. The cost of the Contract with Indus will not exceed \$288,000 including additional required licenses, the license upgrade and Service Suite Licenses for fifty users, and will be funded from the 2004 Water Utility contingency funds. The cost for the Banner upgrade will not exceed \$312,000 and will be included in the 2006 Water & Sewer operating budget. The combined total to be paid from the Water & Sewer operating budget is \$600,000.

The annual maintenance fee from 01/01/2005 – 06/01/2006 will cost \$116,000 and will be paid by IT/IS.

The Contract will be reviewed and approved as to form by the Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the selection of Indus as the sole source and the transfer of funds be approved and
--carried the necessary signatures authorized. Motion carried 7 to 0.

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KIN NETWORKS

FRANCHISE ORDINANCE AGREEMENT WITH KIN NETWORKS, INC. D/B/A ALLTEL COMMUNICATIONS. (DISTRICTS I AND VI)

Chris Carrier

Director of Public Works reviewed the Item.

Agenda Report No. 04-1283

By Ordinance No. 43-504, passed and approved June 17, 1997, the City of Wichita granted to KIN Network, Inc., the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City.

KIN Network, Inc., d/b/a ALLTEL Communications, has exercised its option to renew the rights granted under the ordinance for an additional five (5) year term. ALLTEL Communications also seeks minor amendments to its route within the City. The City Engineer has reviewed and approved the changes to the route. All terms of the original agreement remain in full force and effect.

Under the existing agreement the City receives an annual payment for this commercial use of the public right-of-way of \$2.50 per foot per year or \$18,747.50 for the 7,499-foot route. Under the adjustment, there is no net impact in the length of the route and the annual payments will remain the same. ALLTEL Communications has made all payments under the existing agreement in a timely manner.

This contract franchise is consistent with the requirements and limitations of the 2002 Telecommunications Providers Act. This contract franchise has been reviewed and approved as to form by the City Attorney.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the first reading of the contract franchise ordinance between the City and KIN Network, Inc., d/b/a ALLTEL Communications be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to Kin Network, Inc., d/b/a Alltel Communications, the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City of Wichita; and prescribing the terms of said grant and relating thereto; incorporating Ordinance No. 43-504 as amended, introduced and under the rules laid over.

BROOKS LANDFILL

AGREEMENT FOR PROFESSIONAL SERVICES FOR PERMIT MODIFICATION FOR BROOKS LANDFILL-CONSTRUCTION AND DEMOLITION FACILITY. (DISTRICT VI)

Chris Carrier

Director of Public Works reviewed the Item.

Agenda Report No. 04-1284

The City owned Brooks Landfill operates today as a disposal site for construction & demolition (C&D) waste. It includes a recycling center for white goods (major appliances) and a small yard waste composting area. The permit modification that established the C&D operations (following closure as a municipal solid waste landfill) identified two phased areas for placement of the C&D waste and included the detailed engineering for the Phase I area. This area is expected to reach its capacity in late 2005 or early 2006 and now needs to be expanded. We also need to expand the yard waste composting area from 0.5 acres to 5 acres.

A permit modification will be required to provide for the detailed design and operation for the Phase II C&D waste fill area. The City issued a request for proposal (RFP) on August 20, 2004, to firms capable of preparing the permit application. Six proposals were received. The Staff Screening and Selection Committee (SSSC) met on October 5, 2004 and selected the following four companies to

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interview: Bucher, Willis & Ratliff Corporation, SCS Engineers, Terracon and Burns & McDonnell. Interviews were conducted by the SSSC on October 21, 2004. Following the interviews and discussion, the SSSC recommended Burns & McDonnell for the assignment. A proposed agreement for this work has been negotiated and is attached.

Burns & Mc Donnell will provide the base services in the RFP for a not-to exceed amount of \$36,506.00. Four Supplemental Tasks were also identified in the RFP in the event any of these services are also needed. The total not-to-exceed amount for this agreement, is therefore \$44,383.00. The C&D Landfill operating budget has funds budgeted and available for this work.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IMP. PROJECT

ORGANIZATIONAL IMPROVEMENT PROJECT.

George Kolb

City Manager reviewed the Item.

Agenda Report No. 04-1285

The City Manager desires to develop a project, which will accelerate the City of Wichita into a high performing organization using continuous quality improvement processes. This initiative is similar to improvements that have been done in the six development departments (Central Inspection, Water/Sewer, Planning, Public Works/Engineering, Environmental Health, Fire) over the past eight years. Desirable characteristics and goals for the organization include the following. The organization 1) is clear about its mission and values, 2) defines outcomes and focuses on results, 3) empowers employees and holds them accountable for the development and implementation of innovative solutions, 4) adopts new processes to motivate and inspire people to succeed, 5) is flexible, adaptable and quick to adjust when conditions change, 6) restructures work processes to meet customer needs, 7) promotes and rewards improvement and the achievement of results and 8) maintains open and productive communications among stakeholders.

Recently the City's Labor Management Committee has appointed Staff sub-committees on policies/processes and values/high performance that will serve as task teams to assist with the improvements.

The City plans to contract for consultant services to provide expertise, technical assistance, coaching, facilitation, project management and training to move the organization toward becoming a high performing organization. Selection of the consultant will be on the basis of demonstrated competence, qualifications and compatibility. Requests for Qualifications have been received and consultant selection is tentatively scheduled for early 2005.

It is anticipated that consultant services will be retained for a maximum two-year period with options to renew the contract under the same term and conditions for three successive one-year periods by mutual agreement of both parties. The contract will be subject to cancellation by the City at its discretion at any time within the original contract term or within any successive renewal upon thirty days written notice to the consultant.

City Staff has identified a total of \$150,000 in funding in the 2004 budget. The sources are \$70,000 from Employee Training and Development, \$60,000 from Research and Development and \$20,000 from Community Relations. An additional future funding source for this initiative may be the Wichita State University mill levy. In the event that a vendor is identified, funds will be available from the project to match any grants or supplement funding that maybe set aside for the initiative in the future.

Budget adjustments exceeding \$10,000 require City Council approval.

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- Terry Cassady Development Assistant Director stated that high performing organizations have a clear mission by establishing what the values are that are important for their organization, which are part of the work that they will be doing and is part of this project. Stated that high-performing organizations define the outcomes that they wish to achieve and monitor the results and ensure the outcomes and the results. Stated that they have been doing many of these things in the development departments over the last nine years and have cut a lot of time out of our processes, reconfigured people's work days to make them more responsive to customers and improved customer service. Stated today that nine years later they are maintaining those same standards. Ms. Cassady reviewed the characteristics and benefits of high performance organizations.
- Susan Leiker Affirmative Action Officer stated that we do not have an organization that is broken and in need of being fixed but have recognized that we can continue to improve this organization and be pro-active with regard to making sure that our policies and practices are fair, efficient and effective and that values will be clearly stated and acted upon. Ms. Leiker described the framework of this process to the Council.
- Cheryl Frank Training Director stated that she was charged with coordinating training for the Labor Management Committee and the two sub-committees and reviewed the training process. Stated that they invited John Dorn and Bobby Thompson from the Federal Mediation and Conciliation Service to do this training, which was 14-hours and two-days at no cost to the City.
- Curtis Bowen Building Construction Inspector with the Office of Central Inspection stated that he is involved with the sub-committee, which is comprised of Staff from eight different departments and all levels of employment within the City's organization. Mr. Bowen presented Staff testimony regarding their progress.
- Terry Cassady Development Assistant Director stated that the City plans to contract for consultant services to provide the expertise, technical assistance, coaching, facilitation, project management and training to move the organization towards becoming a high-performing organization. Request for qualifications have been received and pending the approval of the project, selection is tentatively scheduled for early 2005. Stated that it is anticipated that Consultant Services will be retained for a maximum two-year period with options to renew the contract for three successive one-year periods. The contract will be subject to cancellation by the City at its discretion anytime within the original contract term or within any successive renewal with 30 days written notice to be given. Stated that City Staff has identified a total of \$150,000.00 in project funding in the 2004 budget. The sources are \$70,000.00 from employee training and development, \$60,000.00 from research and development and \$20,000.00 from community relations and an additional future funding source for this initiative may be the Wichita State University mill levy.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the establishment of the Organizational Improvement Project be approved; the issuance of a Request for Proposal be authorized and the budget adjustments to fund the project be --carried Motion carried 7 to 0.

PLANNING AGENDA

- Motion-- Mayans moved that Planning Agenda Items, except Items 39 and 40, be approved as presented. --carried Motion carried 7 to 0.

(Agenda Item No. 39) NORTH CORRIDOR

DR2003-021-ADOPTION OF 21ST STREET NORTH CORRIDOR REVITALIZATION PLAN. (DISTRICTS I & VI)

- John Schlegel Director of Planning reviewed the Item.
- (Mayor Mayans momentarily absent and Vice-Mayor Brewer in the chair.)

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Agenda Report No. 04-1286

In February 2004, City Council approved the hiring of a consultant to undertake the development of the 21st Street North Corridor Revitalization Plan. The purpose of this plan is to develop a future land use revitalization concept and strategic action implementation plan for targeted segments of the 21st Street corridor located between Hillside and Amidon, including the north central industrial corridor. The Plan is also to provide solutions to long-standing rail and vehicular transportation issues associated with this area. The planning area generally encompasses a one-block area to the north and south of 21st Street North, as well as portions of the north central industrial corridor from 17th Street North to 33rd Street North, between I-135 and Broadway.

A 13-member steering committee representing area and city stakeholders was appointed by City Council to oversee the development of this plan. Since the planning area was so large and contained three distinct sub-areas, three advisory committees (15 members each) representing these sub-areas were also appointed by Council to provide focused feedback on the development of the plan. A total of four public meetings were held between April and September 2004 to present information, obtain feedback and reach consensus on the plan. A series of three advisory committee meetings and over 12 steering committee meetings were held to help develop a plan that truly reflects the consensus of the community. A city technical advisory committee was also formed to provide technical review and advice throughout the planning process. In addition, the Advance Plans Committee of the Metropolitan Area Planning Commission provided ongoing input into the development of this Plan.

Presentations of the proposed draft plan were made to District Advisory Board I on November 1st and also to District Advisory Board VI on November 17th and December 6th. The Plan has received full endorsement from both of these Boards. On December 9, 2004, following a public hearing, the Metropolitan Area Planning Commission passed a resolution adopting the 21st Street North Corridor Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

Analysis: The following is a summary of the major highlights of the 21st Street North Corridor Revitalization Plan:

- q. The Plan has been developed based upon the following six guiding principles:
 - 1. The revitalization of 21st Street is important to all of Wichita.
 - 2. The community leads the revitalization. The City supports the community in this effort.
 - 3. Revitalization builds on the ethnic and cultural diversity of the area. It fosters local entrepreneurship.
 - 4. Solving traffic and parking problems is essential.
 - 5. Making the area attractive and creating a unique identity are important.
 - 6. Cleaning up the environment is crucial.
- q. The Plan contains a vision statement and four goals that reflect the six guiding principles. The Plan also contains an implementation action plan / matrix with specific economic, transportation, environmental and land use actions to be accomplished in a timeframe consisting of the following five phases:
 - Phase I, Immediate through 2005 Actions
 - Phase II, 2006-2010 Actions
 - Phase III, 2011-2015 Actions
 - Phase IV, 2016-2025 Actions
 - Phase V, 2025 and Beyond
- q. Key Phase I Actions: Create the necessary elements of an International Marketplace south of 21st Street and west of Broadway, including intersection improvements and gateway enhancements at 21st Street and Broadway. Create the organizational capacity to drive revitalization efforts.
- q. Key Phase II Actions: Design and construct a 21st Street Overpass located east of Topeka and west of Cleveland. Complete road system improvements in the central sub-area including improvements to 25th Street east of Broadway, re-striping Ohio and installing at-grade rail crossing improvements. Promote the redevelopment of the El Paso-Derby refinery site, and establish the East End Multicultural District along with associated streetscape improvements east of I-135.

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- q Key Phase III Actions: Design and construct 21st Street improvements west of Broadway. Design and construct regional gateway features at the interchanges of I-135 / 21st Street and I-135 / 29th Street.
- q Key Phase IV Actions: Secure funding sources, acquire necessary ROW and commence relocation of the BNSF mainlines and yards.
- q Key Phase V Actions: Complete the relocation of the BNSF mainlines and yards.

Alternatives: Two options are available to Council now that the Metropolitan Area Planning Commission has adopted the 21st Street North Corridor Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the 21st Street North Corridor Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.
- b) Other actions deemed appropriate by Council.

While the act of Plan adoption involves no funding commitment on the part of the City, the Plan does propose a number of physical improvements throughout the plan area over a 25-year period that would be eligible for funding through GO, CDGB or federal transportation funding sources. These improvements would have to be programmed into the City's CIP in the context of citywide physical improvement projects and priorities.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed 21st Street North Corridor Revitalization Plan on December 9, 2004, with the required notice of public hearing published in the official City and County newspapers. The MAPC approved a resolution adopting the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan by a unanimous vote.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Paul Damon

Mr. Damon stated that he was on the Steering Advisory Committee and is requesting that the Council approve this and provide some funding. Stated that the City has gone through at least 13 studies and that the biggest concern that this community has is that if this is not approved, to please not do another study. Stated that they have spent numerous hours and that the big question is whether or not the City will start this and fund it in 2005. Stated that we are all involved here together and hopes that the vote is unanimous.

Rosalee Bradley

Ms. Bradley stated that she is the Vice-President of WIN and has been working very actively with businesses, property owners and residents in the 21st Street area. Stated that as a member of the 21st Street Business Association and that they support the City efforts to revitalize the 21st Street Corridor, the Business Association has reviewed this plan and found many positive features within it. Stated that the business owners and property owners in the area are thrilled with the prospects of making 21st Street area a viable part of Wichita again. Stated that she personally believes that there are a number of buildings that could be put on the historical list and she is pushing for such. Stated that the Business Association supports the adoption of this plan and looks forward to working with the city elected officials and Staff as we move forward to make this again a viable part of Wichita.

Jessi Viurquez

Mr. Viurquez stated that he served on the West Advisory Committee and on the Steering Committee and encouraged the Council to adopt this plan and find the funding.

Teretha Brown-Foster

Ms. Foster stated that she has worked on the advisory board for the east corner and that they are very excited about this and happy to hear that Heartsprings is going to be part of it. Stated that all of the Neighborhood Associations are in favor of this plan and support it and want the Council to support it and move forward on it.

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- Motion-- Brewer moved that the 21st Street North Corridor Revitalization Plan, as an amendment to the Wichita-Sedgwick County Comprehensive Plan, be adopted and that the Ordinance be placed on first reading.
- Amended Motion Fearey moved an amendment to the motion to recommend that the Council come back and get the coordinating committee appointed no later than the second meeting in January. Motion amended with consent of the second.
- Amended Motion
--carried Amended motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the 21st Street North Corridor Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.
(DR2003-021)

(Agenda Item No. 40) NORTHEAST AREA

NORTHEAST AREA PLAN UPDATE. (DISTRICT I)

- John Schlegel Planning Director reviewed the Item.
- (Martz momentarily absent.)
- Agenda Report No. 04-1287

In November 1995, following extensive community involvement and technical analysis, the City completed the Northeast Area Plan. This plan addressed numerous community redevelopment and revitalization issues for several low-moderate income neighborhoods located in northeast Wichita. The Plan contained over 90 recommended strategies to implement positive long-term change in northeast Wichita. Nine of these strategies were targeted for specific priority action steps and implementation.

Recently, stakeholders in northeast Wichita have expressed an interest in revisiting the community redevelopment and revitalization strategies identified in the 1995 Northeast Area Plan. Their desire is to update the plan strategies as needed in order to achieve long-term redevelopment and revitalization successes in northeast Wichita.

It is important that any update of the Northeast Area Plan reflect input from key community and neighborhood stakeholders. A series of community meetings will be held as part of this initiative. It is recommended that the plan update be focused on the area generally bounded by Hydraulic / I-135 on the west, Douglas / Central on the south, Edgemoor / Old Manor / Oliver / Hillside on the east, and 21st Street / 29th Street on the north. The steering committee formed to oversee this plan update should consist of one representative from each of the following suggested organizations and associations having an active /significant interest in this area:

- q Northeast Millair Neighborhood Association
- q Matlock Heights Neighborhood Association
- q Northeast Heights Neighborhood Association
- q POWER Neighborhood Association
- q North Central Neighborhood Association
- q Fairmount Neighborhood Association
- q Ken-Mar Neighborhood Association
- q Wichita State University
- q POWER CDC
- q Wichita Ministerial League
- q 21st Century Coalition for Neighborhood Revitalization
- q Northeast Chapter, Sunflower Coalition
- q Council member (District I)
- q Metropolitan Area Planning Commission

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There are no additional financial costs to the City associated with this update. MAPD Staff will undertake all necessary work.

There are no legal issues associated with this initiative.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Val J. Brown

Mr. Brown stated that he has lived in this area all of this life and has not seen any changes in this area until the last two to three months. Stated that this area wants and needs a change and in order for the Council to appreciate this, they would have to see this neighborhood as he does. Stated that he would appreciate the Council vote to motivate and get this plan moving.

Motion--

Brewer moved that Staff be directed to update the 1995 Northeast Area Redevelopment Plan and the District I Council Member, Carl Brewer, be authorized to appoint the steering committee to guide this plan to update. Motion carried 7 to 0.

--carried

VAC2004-00060

VAC2004-00060-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY, PLATTED EASEMENT AND PLATTED SETBACKS, GENERALLY LOCATED MIDWAY BETWEEN 159TH STREET EAST AND 143RD STREET EAST, NORTH OF 13TH STREET NORTH, MORE SPECIFICALLY NORTHEAST OF THE FREEDOM ROAD-FREEDOM ROAD COURT INTERSECTION, ALL ON FREEDOM ROAD COURT.(CITY OF WICHITA THREE-MILE RING SUBDIVISION JURISDICTION – SEDGWICK COUNTY)

Agenda Report No. 04-1288

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicants are requesting consideration for the vacation of a portion of the platted 20-foot utility easement, the platted 30-foot setbacks and the 75-foot radius of the Freedom Road Court cul-de-sac right-of-way (ROW), per the legal description. The Savanna at Castle Rock Ranch 7th Addition was recorded with the Register of Deeds on November 8, 1994.

All the lots (all owned by the applicants) located on Freedom Road Court are involved in some portion of the vacation request. The applicants propose the vacations to allow more area to build single-family residences on the lots. The Savanna at Castle Rock Ranch 7th Addition's streets were platted per the Wichita – Sedgwick County Subdivision Regulation for residential suburban standards, but Freedom Road Court has been developed as if it was a city local residential street. City local residential streets require less ROW than residential suburban streets. There are storm water, gas, sewer and water lines in Freedom Road Court ROW, including the 75-foot radius (city local residential streets would typically have a 50-foot radius ROW) of the cul-de-sac.

The MAPC voted to approve (13-0) the vacation request for approval. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Because this vacation cases is located in Sedgwick County but within the City of Wichita's 3 mile-ring subdivision jurisdiction, consideration and final action by both the Wichita City Council and the Sedgwick County Board of County Commissioners is required

A certified copy of the Vacation Order and dedications, by separate instrument, of additional easement will be recorded with the Register of Deeds. Retain the south 10-feet of the platted 20-foot utility easement located parallel to the front lot line of Lot 7 and a portion of the front lot line of Lot 6, all in Block 1, the Savanna at Castle Rock Ranch 7th Addition. Vacate the platted 30-foot setback on lots 1 – 7, all in Block 1, the Savanna at Castle Rock Ranch 7th Addition and replace with the Unified Zoning Code's "SF-20" zoning districts front and street side setbacks. Vacate the platted 75-foot radius of the Freedom Road Court cul-de-sac and replace it with a 50-foot radius.

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Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

CHERYL'S HOLLOW SUB2004-95-PLAT OF CHERYL'S HOLLOW ADDITION, LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-1289

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This unplatted site, consisting of 239 lots on 79.73 acres, has recently been annexed into Wichita's city limits and is zoned SF-5, Single-family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. Arterial Street Improvements will be handled by the County. A Petition and a Certificate of Petition have been submitted. Restrictive Covenants have been submitted to: 1) allow for the creation of a lot owner's association to provide for the ownership and maintenance of the proposed reserves; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Temporary Cul-de-sac Easement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants and Temporary Cul-de-sac Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-683

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90029, Cheryl's Hollow Addition (north of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 04-684

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90030, Cheryl's Hollow Addition (north of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 04-685

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 4, Northwest Interceptor Sewer Cheryl's Hollow Addition, 468-83937, (north of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

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RESOLUTION NO. 04-686

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 249, Cheryl's Hollow addition, 468-83938 (north of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 04-687

Resolution of findings of advisability and Resolution authorizing constructed pavement on Stout, from the north line of 13th Street North to the south line of Hunters View; Hunters View/Bellick, from the west line of Cheryl's Hollow Addition to the east line of Stout; Stout Court, from the west line Stout to and including cul-de-sac (Lots 3 through 9, Block 1); and Stout Court, from the west line Stout to and including cul-de-sac (Lots 10 through 17, Block 1, 472-84139 (north of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

THRIFTY 2ND ADD.

STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2004-100, LOT 1, THRIFTY SECOND ADDITION, LOCATED SOUTH OF KELLOGG AND DUGAN, EAST OF RIDGE ROAD. (DISTRICT IV)

Agenda Report No. 04-1290

This Agreement is for the paving of Irving Street.

The Lot Split will allow for the creation of an additional lot zoned GC, General Commercial District. The Agreement assures the City of Wichita that this property will be included in the paving improvements and that the Lessee has waived his right to protest said paving improvement.

The Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CON2004-37

CON2004-37-ASSOCIATED WITH ZON2004-57, ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL AND A CONDITIONAL USE FOR A NIGHT CLUB WITHIN 200 FEET OF RESIDENTIAL ZONING. GENERALLY LOCATED WEST OF BROADWAY AND NORTH OF 47TH STREET SOUTH. (DISTRICT IV)

Agenda Report No. 04-1291

MAPC Recommendation: Approve, subject to site plan and Staff recommendations. (8-3)

D.A.B. Recommendation: Approve, subject to site plan and Staff recommendations. (9-0)

Staff Recommendation: Approve zone change, deny conditional use within 200 feet of residential zoning.

The applicant requests "LC" Limited Commercial zoning on an approximately 25-foot by 292-foot area currently zoned "SF-5" Single-family Residential. The zone change is necessary for parking on this parcel supporting the owner's commercial uses. The applicant also requests a Conditional Use for a nightclub in an existing building, currently housing a restaurant. Nightclubs are a permitted use in the LC district, but require a conditional use when within 200 feet of residential zoning. The application area is currently permitted for a restaurant/drinking establishment (DE-R, requiring that greater than 50% of sales come from food); the site is not permitted for an outright tavern or drinking establishment.

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The applicant's site plan indicates that the nightclub conditional use property is 53 feet from developed single-family residential property. The proposed nightclub building is approximately 150 feet from single-family residences.

The 1.45-acre site is located on the west side of South Broadway, approximately 1,090 feet north of 47th Street South. The character of the surrounding area is that of general commercial uses along the Broadway Avenue corridor and single-family residential uses to the west of that corridor. A total of four single-family residences abut the parcel owned by the applicant. A portion of the application area is in the FEMA designated 100-year flood plain; a self-storage facility on this site caused increased drainage problems with the residential neighbors west of the site.

The applicant submitted the attached site plan illustrating the proposed use of the subject property as nightclub. The applicant has designated which portion of the building will continue to be used as a restaurant, and which portion will become a nightclub. The entire application area will accommodate parking for both the restaurant and proposed nightclub.

Residential neighbors north and west of the application area have contacted MAPD in opposition to the requested conditional use for nightclub. The residents cite problems with the existing conditional use for self-storage, and concerns about late night noise from the parking lot and proposed nightclub near their residences.

MAPC heard this request on November 18th 2004, no members of the public spoke against the request. The MAPC voted 8-3 to approve both the zone change and the conditional use request. DAB IV heard this request on December 1st 2004. No members of the public spoke against the request, the DAB voted 9-0 to approve.

Motion--

Mayans moved to concur with the findings of the MAPC and approve the Zone Change to "LC" Limited Commercial and the Conditional Use to permit a nightclub, subject to the recommended conditions; place the ordinance establishing the Zone Change on first reading and adopt the resolution establishing the Conditional Use. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-688

A Resolution authorizing a conditional use for a night club on property zoned "LC" Limited Commercial, located west of Broadway and north of 47th Street South, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2004-57)

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AIRPORT AGENDA

Mayor Mayans

Mayor Mayans requested that Item 48 be pulled for discussion.

Motion--
-- carried

Mayans moved that Airport Consent Items, except Item 48, be approved as presented. Motion carried 7 to 0.

UNFINISHED BUSINESS:

THE BOYD GRP

AIR SERVICE CONSULTING SERVICES, THE BOYD GROUP/ASRC, INC. (DEFERRED DECEMBER 14, 2004)

Agenda Report No. 04-1260A

On October 21, 2003, the Wichita Airport Authority authorized Staff to advertise, select and enter into contract negotiations with various air service consultants to provide air service strategies and consulting services. On January 6, 2004, a selection committee reviewed proposals and conducted interviews to solicit firms to provide air service support functions at Mid-Continent Airport. The Boyd Group was one of the firms selected to do air service consulting.

On February 3, 2004, the Wichita Airport Authority authorized an agreement with the Boyd Group to assess Mid-Continent Airport air service levels, identify air service shortfalls, and prioritize air service expansion opportunities. The budget allocated was \$34,225, plus expenses not to exceed 10% of professional services. These projects have been completed. Airport leadership now desires an on-call relationship with the Boyd Group to support opportunity development as needed.

Budget for on-call professional services not to exceed \$30,000 with scopes to be identified as appropriate. Project expenses for these services not to exceed 10% of the cost of professional services. The allocation is available in the Airport budget with an adjustment.

Motion--
--carried

Mayans moved that the Agreement and the budget adjustment be approved and the necessary signatures authorized. Motion carried 7 to 0.

SABRE CONSULT.

AIR SERVICE CONSULTING SERVICES-SABRE CONSULTING. (DEFERRED DECEMBER 14, 2004)

Agenda Report No. 04-1261A

On October 21, 2003, the Wichita Airport Authority authorized Staff to advertise, select and enter into contract negotiations with various air service consultants to provide air service strategies and consulting services. On January 6, 2004, a selection committee reviewed proposals and conducted interviews to solicit firms to provide air service support functions at Mid-Continent Airport. Sabre Consulting was one of the firms selected to do air service consulting.

Sabre Consulting possesses a current and comprehensive database of passenger reservation information and employs top airline planning talent to provide interpretations and recommendations related to it. This is a unique combination that affords the company sole provider status. The information is used to assess and define the air service potential of a market place and substantiate air service enhancement opportunities. The Wichita Airport Authority last commissioned a study of the Wichita Mid-Continent Airport market by Sabre Consulting in April 2001. That information provided the basis for air service development efforts that came to be known as Fair Fare\$. These efforts recruited targeted, low-fare airlines to serve Wichita Mid-Continent Airport, brought fares to levels competitive with Tulsa, Oklahoma City, Kansas City, and Omaha, and resulted in service expansions by nearly every airline partner serving the community. The industry and the Mid-Continent Airport market changes rapidly. An updated market study by Sabre Consulting is needed to define and support continued air service development efforts going forward.

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The cost for the study is \$50,000, with project expenses not to exceed 10% of the cost of professional services. Funds are available in the Airport operating budget.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

GEARBUCK

GEARBUCK AVIATION SERVICES.

Agenda Report No. 04-1292

The multi-tenant cargo building on Mid-Continent Airport consists of 31,500 sq.ft. and includes space for 15 different tenants. The leases are for a three-year period terminating June 30, 2005. Rent for use of space in this building is \$6.50 per sq.ft. per year.

Gearbuck Aviation Services is an aircraft maintenance, cleaning and polishing company. They provide services to more than 23 airports across the U. S., with aircraft maintenance comprising 85% of their business. They have established a business relationship with existing cargo carriers on Wichita Mid-Continent Airport and are desirous of establishing a physical presence on the airport, while continuing to market and expand their customer base in Wichita. They are interested in leasing 1,200 sq.ft. of space in the cargo building, commencing December 22, 2004.

Revenue to the airport will be \$650 per month, or \$7,800 per year.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

S&S LIMOUSINE

S & S LIMOUSINE.

Agenda Report No. 04-1293

The WAA has received a request from S & S Limousine to provide limousine service to and from Wichita Mid-Continent Airport.

The limousine service would be an enhancement to the existing ground transportation services provided to the users of Mid-Continent Airport.

While the revenue to the WAA for the provision of this service is not significant (\$50 per month), it does provide additional alternatives for travelers using Wichita Mid-Continent Airport.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIRLINE USE

AIRLINE USE AGREEMENTS-SUPPLEMENTAL AGREEMENTS.

Agenda Report No. 04-1294

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. The term of the current agreement expires December 31, 2004.

It is the normal practice of the Wichita Airport Authority to enter into contractual agreements with the passenger carrying airlines serving Wichita Mid-Continent Airport in order to establish a business relationship and a basis for rentals, fees, and charges. It is now necessary to renew that agreement, effective January 1, 2005. It is recommended that the agreement be renewed for two years through December 31, 2006.

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The passenger carrying airlines serving Wichita Mid-Continent Airport have agreed to pay for approximately one-third of the maintenance, operation, and debt service associated with the airfield, and for approximately one-half of the cost for operation, maintenance and debt service for the terminal building. The ensuing rates and charges are determined pursuant to DOT Policy, Federal Code, U. S. Supreme Court rulings, and negotiations. The estimated annual revenue for the coming year is approximately \$4 Million.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

CESSNA AIRCRAFT CESSNA AIRCRAFT COMPANY-SUPPLEMENTAL AGREEMENT NO. 4.

Agenda Report No. 04-1295

The Wichita Airport Authority has a number of agreements with Cessna Aircraft Company for use of land on Wichita Mid-Continent Airport. One of these agreements involves the use of 14.36 acres of land on which the Aircraft Completion Center is situated. The original term of this agreement is for the period October 1, 1979 through September 30, 2004. The agreement includes one 25-year option to renew the agreement through September 30, 2029.

Both parties are desirous of extending this agreement. The current agreement states that rental for this land area may be adjusted; however, the adjusted rental fee may not be increased or decreased more than 50% from the fee for the previous 25-year period.

Land rent for this area is currently \$18,769.80 per year. It is recommended that the 50% increase be imposed for the 25-year extension, for an annual amount of \$28,154.70, which equates to \$.045 per sq. ft.

Motion--
--carried

Mayans moved that Supplemental Agreement No. 4 be approved and the necessary signatures authorized. Motion carried 7 to 0.

LEARJET ACCESS-LEARJET REMEDIATION PROJECT.

Agenda Report No. 04-1296

Learjet, Inc., owns facilities adjacent to Mid-Continent Airport. In 1994, the Airport Authority granted Learjet temporary access to the Airport to install monitoring wells to conduct an environmental study of groundwater contamination that had migrated onto the Airport. In 1999, Learjet was allowed to perform an environmental study on the Airport property and to determine if the groundwater contamination could be captured by a water supply well located in the basement of the Terminal and be appropriately treated. With approval of the proposed remediation system by the Kansas Department of Health and Environment, Learjet now seeks a long-term access agreement for use of a well on Airport property.

The Access Agreement to Wichita Mid-Continent Airport Property grants Learjet, Inc., the right to use the Terminal water supply well (or place a new well on the Airport in the event the Terminal well is no longer available) for its system for remediation of groundwater contamination. Learjet is also given access for additional monitoring and sampling and the right to use a groundwater permit for remediation purposes. The City may suspend Learjet's use of the Airport well because of any development on the Airport, upon 180 days notice. The term of the Agreement is 20 years or the completion of the remediation project, whichever is earlier. Indemnity and insurance requirements are included.

The Agreement requires Learjet to pay monthly for water and electricity use plus a fee for maintenance, operation, and administration.

The Law Department has assisted in the negotiation of the Agreement.

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Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

TAXIWAY "M" AIRFIELD PAVEMENT-TAXIWAY "M" CONSTRUCTION, WICHITA MID-CONTINENT.

Agenda Report No. 04-1297

On April 2, 2002, the Wichita Airport Authority awarded Ritchie Paving a contract in the amount of \$9,170,246 for the Taxiway "M" construction project.

A final change order has been prepared to allow for adjustment of quantities and work that occurred during construction.

The change order of \$41,906.25 is within the approved budget and will be paid for with an FAA grant and Passenger Facility Charges. Total change orders are less than one-percent of the original contract amount.

Motion-- Mayans moved that the change order be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

(Agenda Item No. 48) 2005 FEE SCHEDULE 2005 SCHEDULE OF FEES AND CHARGES AND RESOLUTION FOR AIRCRAFT USE OF WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-1298

Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions.

The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees are set to reflect market price. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment.

The rates included in the Schedule of Fees and Charges are expected to produce over \$5 million in revenues in 2005. The rate setting methodology for nearly 75% of those revenues is determined by lease agreements. Staff is recommending that the rates be held at the currently adopted levels. All of the use rates can be altered at any time should that be necessary to recover costs.

Rates have been developed in accordance with Federal rates and charges regulations.

Mayor Mayans Mayor Mayans commended Bailis Bell, Director of Airports for the new schedule of fees and charges for 2005 and saw that there was an effort to help our airline partners at the airport by keeping expenditures, costs and rates that the City charges down.

Bailis Bell Director of Airports stated that they are trying to tighten up their belt buckles and he has advised his successors to try to hold the line and make sure not to charge the airlines anymore than they have to.

Motion-- Mayans moved that the Schedule of Fees and Charges and the Resolution of the Wichita Airport
--carried Authority implementing a schedule of fees and charges for scheduled passenger airlines all to be effective January 1, 2005 be adopted. Motion carried 7 to 0.

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RESOLUTION NO. A-04-012

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

LAWN MANAGEMNT COMMERCIAL LAWN MANAGEMENT, AMENDMENTS.

Agenda Report No. 04-1299

Commercial Lawn Management d/b/a Evergreen Lawn and Landscape was selected in 2002 and again in 2003 in response to two separate proposals solicited by the City of Wichita Purchasing Division to provide grounds maintenance services in non-secure areas on Wichita Mid-Continent Airport.

Both agreements allow for a one-year extension, subject to a renegotiation of fees. Work completed by this company has been satisfactory, and both parties are interested in extending the agreements.

The extensions allow for a cost of living increase, and a minor increase in the area to be maintained. The annual cost for providing this service is \$64,590, reflecting an increase of \$6,177.

Motion--
--carried

Mayans moved that Amendment Nos. One and Two be approved and the necessary signatures authorized. Motion carried 7 to 0.

CESSNA/YINGLING CESSNA/YINGLING LAND LEASES.

Agenda Report No. 04-1300

Cessna Aircraft leases on Mid-Continent Airport certain properties known as Yingling Aircraft for the purposes of operating a fixed base operation serving general aviation aircraft. Cessna subleases those facilities to Yingling Aircraft, Inc. Cessna /Yingling is desirous of building a 15,500 sq.ft. hangar and shop facility on land adjacent to and currently leased by Cessna/Yingling for the purposes of further development of the business of aircraft refurbishment and completion work.

In order to accomplish this project, it is necessary to demolish a 50-year old office/shop structure on the north end of the current leasehold and to construct the hangar and shop facility. Further, it is necessary to relocate certain fences and security equipment. All of the above is a project cost to Cessna/Yingling. Costs to the Wichita Airport Authority are the installation of a new area fire hydrant and the relocation of a storm sewer, which traverses the leasehold, at an estimated total cost of \$47,000. The facility will be titled to the Wichita Airport Authority and the leases involved will have a 30-year term.

Cessna/Yingling will fund the estimated \$1.5 Million project from the proceeds of an Airport Special Facility Revenue Bond issue to be presented at a later meeting. The Wichita Airport Authority contribution of \$47,000 will be paid from airport revenues and is budgeted within the current CIP. As part of an on-going reconstruction of common-use entrances to the general aviation parking area, the road adjacent to the leasehold will be concurrently reconstructed.

Motion--
--carried

Mayans moved that the amendment, land use agreement, amendment to sublease, and pledge resolution; be approved and the necessary signatures authorized. Motion carried 7 to 0.

MARKETING AIRPORT MARKETING.

Agenda Report No. 04-1301

It is the policy of the Wichita Airport Authority to fund marketing and communications programs aimed at stimulating the use of Wichita Mid-Continent Airport. Such programs may be directed from time to time on a temporary basis toward the use of certain air carriers who introduce and sustain new

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“discount” service. Wichita Mid-Continent Airport has been experiencing new and expanded airline service with the arrival of recent carriers. The Wichita Airport Authority Board has determined that it is in the best public interest to promote these services locally to educate the traveling public. It is critical to the success of Mid-Continent Airport that those in our catchment area be aware of these services and continue to utilize them for the betterment of the Airport. Prior marketing efforts have contributed to the growth of passengers using Mid-Continent Airport.

Last year, the Airport and Marketing Director worked with the Purchasing Department to put together the formal request for proposal by area businesses interested in this project. After initial review, six (6) agencies were selected to do formal presentations to a selection committee. The selection committee included a representative of the Fair Fare\$ Board, Airport Advisory Board, Airport Staff, Marketing Director and Purchasing Director. The recommendation of that selection committee in November of 2003 was to contract with Sullivan Higdon Sink as the agency of record. A contract was developed for one year, with a one-year option for renewal.

As the contract has come up for renewal, the Airport and Marketing Directors reviewed options with the Wichita Airport Advisory Board at their recent board meeting. The options for the WAAB were to retain SHS and renew the contract or to take the project out for formal RFP again this year. After review, the WAAB felt that it was in the best financial interest of the Airport to retain SHS.

Council will be asked to approve a financial amount once the agency and the Airport officials agree on the appropriate amount. There is an allocation available in the Airport budget for 2005.

Motion--
--carried

Mayans moved that the WAAB’s recommendation to retain the services of Sullivan Higdon Sink for another year be approved. Motion carried 7 to 0.

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BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments made.

EXECUTIVE SESSION

Motion--

Mayans moved that the City Council recess into Executive Session at 12:00 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, potential litigation, legal advice and confidential data relating to the financial affairs for trade secrets of a business and that the Council return from Executive Session no earlier than 12:30 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

--carried

RECONVENE

The Council reconvened in the City Council Chambers at 12: 30 p.m.

Motion--

--carried

Mayans moved to extend the Executive Session for an additional 25 minutes and to reconvene in the City Council Chambers at 12:55 p.m. Motion carried 4 to 0, (Martz, Fearey and Lambke absent).

RECONVENE

The Council reconvened in the City Council Chambers at 1:00 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to adjourn the Executive Session at 1:00 p.m. Motion carried 5 to 0, (Brewer and Schlapp absent).

Motion--carried

Mayans moved adjourn the regular meeting at 1:01 p.m. Motion carried 5 to 0, (Brewer and Schlapp absent).

Adjournment

The City Council meeting adjourned at 1:01 p.m.

Karen Sublett
City Clerk

Workshop to follow